

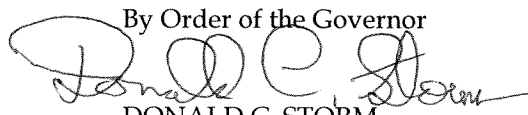
HEADQUARTERS
Kentucky Army National Guard
100 Minuteman Parkway
Boone National Guard Center
Frankfort, KY 40601-6168


*KYTPR 630(AR)(AF)
1 May 2006

HUMAN RESOURCES OFFICE (HRO): *CIVILIAN PERSONNEL*

HOURS OF DUTY, ATTENDANCE AND LEAVE

* This regulation supersedes KYTPR 630 dated 1 September 1997.

By Order of the Governor

DONALD C. STORM
Major General, KYNG
The Adjutant General

Official:

DONALD R. CONOVER
COL, MP, KYARNG
Human Resources Officer

SUMMARY. Title 5 United States Code and Title 5 Code of Federal Regulation contain the provisions that govern leave and absence for National Guard technicians. This regulation is a compilation of these provisions for use by technicians of the Kentucky Army National Guard and Kentucky Air National Guard. This regulation includes changes in the military leave program (22 day and 44 day Military Leave Program) and the charging of military leave in hourly increments.

APPLICABILITY. This regulation applies to all Kentucky Army and Air National Guard technicians, and is intended for internal management use only. Departments of the Army and Air Force civilian personnel Absence and Leave publications do not apply to National Guard technicians.

INTERNAL CONTROL SYSTEM. This regulation is subject to the requirements of AR 11-2 and AFI 65-201. It does not contain an internal control checklist for conducting internal control reviews.

SUPPLEMENTATION. Do not supplement this regulation or establish command without prior approval from KG-HRO.

INTERIM CHANGES. Interim changes to this regulation are not official unless they are authenticated by the Adjutant General or Human Resources Officer. Interim changes will be destroyed on their expiration dates unless sooner superseded or rescinded.

SUGGESTED IMPROVEMENTS. The proponent of this regulation is KG-HRO. Users will send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Human Resources Office, 100 Minuteman Parkway, Building 210, Frankfort, KY 40601-6168.

DISTRIBUTION. Command levels A (AR) and F (AF) for the KYNG

This regulation supersedes KYTPR 630 (AR) (AF) dated 1 September 1997.

	PAGE	PARA
<i>Index</i>	i	
CHAPTER 1 - GENERAL		
<i>Purpose and Scope</i>	1	1-1
<i>General Policy</i>	1	1-2
<i>Definitions</i>	1	1-3
CHAPTER 2 - HOURS OF DUTY		
<i>Administrative Work Week</i>	3	2-1
<i>Hours of Work</i>	4	2-2
<i>Night Shifts</i>	5	2-3
<i>Standby Duty and On-Call Status</i>	6	2-4
CHAPTER 3 - ANNUAL LEAVE		
<i>Eligible Employees</i>	7	3-1
<i>Earning Of Annual Leave</i>	7	3-2
<i>Creditable Service</i>	8	3-3
<i>Maximum Accumulation</i>	8	3-4
<i>Granting Annual Leave</i>	8	3-5
<i>Restoration of Forfeited Annual Leave</i>	9	3-6
<i>Disposition of Annual Leave</i>	10	3-7
CHAPTER 4 - LEAVE WITHOUT PAY		
<i>Eligible Employees</i>	11	4-1
<i>Granting Leave Without Pay</i>	11	4-2
<i>Requesting Leave Without Pay</i>	12	4-3
<i>LWOP Is Not A Penalty</i>	12	4-4
<i>Effects of Extended LWOP on Federal Benefits & Programs</i>	12	4-5
CHAPTER 5 - SICK LEAVE		
<i>Eligible Employees</i>	13	5-1
<i>Earning Of Sick Leave</i>	13	5-2
<i>Maximum Accumulation</i>	13	5-3
<i>Granting Sick Leave</i>	13	5-4
<i>Responsibilities</i>	15	5-5
<i>Medical Certificates</i>	15	5-6
<i>Advancing Sick Leave</i>	16	5-7
<i>Unliquidated Advances</i>	16	5-8
<i>Disposition of Sick Leave</i>	17	5-9
CHAPTER 6 - ABSENCES FOR MATERNITY REASONS		
<i>Eligible Employees</i>	18	6-1
<i>Absences for Maternity Purpose</i>	18	6-2
<i>Responsibilities</i>	18	6-3
<i>Family Medical Leave Act (FMLA)</i>	18	6-4

CHAPTER 7 - FAMILY MEDICAL LEAVE ACT

<i>Eligible Employees</i>	19	7-1
<i>Granting Leave Under FMLA</i>	19	7-2
<i>Responsibilities</i>	20	7-3
<i>Continued Employment After Extended Family Medical Leave</i>	21	7-4

CHAPTER 8 - VOLUNTARY LEAVE TRANSFER PROGRAM

<i>Eligible Employees</i>	22	8-1
<i>Provisions of the Voluntary Leave Transfer Program</i>	22	8-2
<i>Application Procedures to Become a Leave Recipient</i>	23	8-3
<i>Approval of Applications to Become A Leave Recipient</i>	23	8-4
<i>Application Procedures for Leave Donors</i>	23	8-5
<i>Use of Transferred Annual Leave</i>	24	8-6
<i>Termination of Medical Emergency</i>	24	8-7
<i>Disposition of Transferred Annual Leave</i>	25	8-8

CHAPTER 9 - MILITARY LEAVE

<i>Eligible Employees</i>	26	9-1
<i>Earning Military Leave</i>	26	9-2
<i>Maximum Accumulation</i>	26	9-3
<i>Granting Military Leave</i>	26	9-4
<i>Military Leave for Certain Duty Performed Outside the Continental US</i>	27	9-5
<i>22 Day Military Leave in Support of Contingency Operations</i>	28	9-6
<i>Certification of Military Duty</i>	28	9-7
<i>Injuries While On Active Duty</i>	29	9-8
<i>Disposition of Military Leave</i>	29	9-9

CHAPTER 10 - LAW ENFORCEMENT LEAVE

<i>Eligible Employees</i>	30	10-1
<i>Earning Law Enforcement Leave</i>	30	10-2
<i>Granting Law Enforcement Leave</i>	30	10-3
<i>Crediting Amount of Pay Received</i>	31	10-4
<i>Disposition of Law Enforcement Leave</i>	31	10-5

CHAPTER 11 - ABSENCES FOR EXTENDED ACTIVE MILITARY SERVICE

<i>General</i>	32	11-1
<i>Appropriate Leave Status</i>	32	11-2
<i>Effect on Benefits</i>	32	11-3
<i>Compensation for Injury</i>	34	11-4

CHAPTER 12 - ABSENCES TO PERFORM STATE ACTIVE DUTY

<i>Appropriate Type of Leave</i>	35	12-1
<i>Charging Leave to Cover SAD</i>	35	12-2
<i>Compensation for Injury</i>	35	12-3

CHAPTER 13 - COMPENSATORY TIME

<i>Eligible Employees</i>	36	13-1
<i>Earning Compensatory Time</i>	36	13-2
<i>Granting Compensatory Time off</i>	37	13-3
<i>Compensatory Time Earned During Travel</i>	37	13-4

<i>Disposition of Compensatory Time</i>	39	13-5
CHAPTER 14 - EXCUSED ABSENCE		
<i>Eligible Employees</i>	41	14-1
<i>Administrative Discretion Authority</i>	41	14-2
<i>Adjutant General Approval</i>	41	14-3
<i>Supervisor Approval</i>	42	14-4
<i>Time off Awards</i>	43	14-5
CHAPTER 15 - COURT LEAVE		
<i>Eligible Employees</i>	44	15-1
<i>Earning Of Court Leave</i>	44	15-2
<i>Duration of Court Service</i>	44	15-3
<i>Interim Excuse from Court Duty</i>	44	15-4
<i>Jury Fees</i>	44	15-5
<i>Witness Status</i>	44	15-6
<i>Evidence of Court Service</i>	44	15-7
<i>Court Leave Guide</i>	45	15-8
<i>Figure 15-1 Employee Absences for Court Related Service</i>	46	
CHAPTER 16 - ABSENCE WITHOUT LEAVE		
<i>Charging Absence Without Leave</i>	47	16-1
<i>Minimum Charge</i>	47	16-2
CHAPTER 17 - ADMINISTRATIVE CLOSING		
<i>Eligible Employees</i>	48	17-1
<i>Authorization for Administrative Closing</i>	48	17-2
<i>Severe Weather</i>	48	17-3
CHAPTER 18 - HOLIDAYS		
<i>Eligible Employees</i>	49	18-1
<i>Federal Holidays</i>	49	18-2
<i>Determining Holidays</i>	49	18-3
<i>Holiday Pay</i>	49	18-4
CHAPTER 19 - ENFORCED LEAVE		
<i>Eligible Employees</i>	51	19-1
<i>Imposing Enforced Leave</i>	51	19-2
<i>Termination of Enforced Leave</i>	52	19-3
APPENDIXES		
<i>APPENDIX A-Leave Pro ration for Fractional Pay Periods</i>	53	
<i>APPENDIX B-Type Hour Codes</i>	54	
<i>APPENDIX C-Links to Blank Forms</i>	57	

CHAPTER 1

GENERAL

1-1. Purpose and Scope

This regulation describes and explains hours of work and the various types of leave in the Federal service. The basic statute governing leave and hours of work is Title 5, United States Code, Chapters 61 and 63. More detailed and comprehensive coverage is found in 5 Code of Federal Regulations (CFR) Parts 610 and 630. The intent of this regulation is to collect provisions applicable to KYNG technicians and make them readily available.

1-2. General Policy

The authority to approve or disapprove leave is the responsibility of the immediate supervisor who best knows whether the time off requested is compatible with the situation. Authority to approve leave requests is accompanied by the responsibility for verifying that leave granted is legal and justifiable.

a. Earned leave - Generally, an employee must be employed during a full biweekly pay period to earn leave. He/she is considered to have been employed for a full period, if he/she is on the rolls on all days falling within the pay period, exclusive of holidays and non-workdays. When an employee's service is interrupted by a non-leave earning period, the employee earns leave on a prorated basis for each fractional pay period that occurs within the continuity of their employment. Appendix A of this regulation is a matrix for leave pro ration for fractional pay periods.

b. Labor-Management Agreements - It is understood that properly executed Labor-Management agreements take precedence over the contents of this regulation.

1-3. Definitions

a. "Administrative workweek" means any period of 7 consecutive 24 hour periods designated in advance by the head of the agency under section 6101 of title 5, United States Code.

b. "Basic workweek" for full time employees means the 40 hour workweek established in accordance with 610.111.

c. "Tour of duty" means the hours of a day (a daily tour of duty) and the days of an administrative workweek that constitute an employee's regularly scheduled administrative workweek.

d. "Accrued leave" means leave earned by an employee during the current leave year that is unused at any given time in that leave year.

e. "Accumulated leave" means the unused leave remaining to the credit of an employee at the beginning of a leave year.

f. "Contagious disease" means a disease requiring isolation of the patient, quarantine, or restriction of movement by health authorities.

g. "Serious Health Condition" includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth.

- h. “Excused absence” means an absence from duty administratively authorized without loss of pay and without charge to leave.
- i. “Leave year” means the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.
- j. “Medical certificate” means a written statement signed by a registered practicing physician or other practitioner, certifying to the incapacitation, examination, treatment, or the period of disability.
- k. “Standby duty” imposes significant restrictions on the technician and provides for compensatory time for the period spend on standby outside the regular tour of duty.
- l. “On-call” status requires lesser restrictions on the technician and provides compensatory time only for those hours when the technician is actually called in to perform work.
- m. “Compensable” refers to periods of time that are creditable as hours of work for the purpose of determining a specific pay entitlement.

CHAPTER 2

HOURS OF DUTY

2-1. *Administrative Work Week*

The administrative workweek is established as Sunday through Saturday with Sunday as the first day. The basic workweek is established as the first forty (40) hours worked during the administrative workweek by each employee. Normally consisting of five (5) eight (8) hour days, Monday through Friday.

a. **For Full Time Employees of the Kentucky Army National Guard** the basic work week shall consist of five 8 hour days, being Monday through Friday with two consecutive days off. A compressed or alternate work schedule may be implemented at the discretion of the Adjutant General. Work hours will be established between the core hours of 0730 to 1700 as approved by supervisors.

b. **For Full Time Employees of the Kentucky Air National Guard** base operations will be effectively manned Monday through Friday. The Employer has the right to continue all presently established work shifts (i.e. eight (8) ten hour days, eight (8) nine hour days – one (1) eight hour day, and ten (10) eight hour days) and to establish new work shifts as required by the mission. All five weekdays will be covered through the use of split schedules; however, certain functional areas may be required to work a five-day, eight hour schedule. Core hours of work between 0600-1800.

c. The following schedules are established as standard shifts. Supervisors and managers have the right to schedule their respective work areas on any of the listed shifts, with proper notice. The agency retains the right to establish any other shift required, if mission requirements, or special projects dictate a needed change.

1) Eight (8) 5 Hour Days

2) Eight (8) Nine Hour Days, One Eight Hour Day

3) Eight (8) Ten Hour Days

4) "Flextime" (designated hours during which an employee may elect the time of arrival or departure from work) is not authorized.

d. Employees in a travel, training, or detail status will adhere to the tour of duty hours of the organizational segment to which they are temporarily assigned.

e. Exception Schedules.

1) First line supervisors are empowered to approve deviations to established schedules on a case by case basis. This exception authority is to provide the first line supervisor a tool to correct situations when a Compressed Work Schedule creates undue hardship on an employee. "Undue hardship" is defined as adversity to the degree that the individual's continued employment will be jeopardized unless relief is provided (i.e. conflicts with care for ill parent, scheduling conflicts with child care, etc.).

2) Exceptions are not to be granted on personal preference. As hardship situations are resolved, employees are expected to revert to the Compressed Work Schedule designated for his/her work location as approved by the Adjutant General. No supervisor has the authority to approve an exception to his/her own personal schedule.

3) When circumstances warrant granting an exception, the individual will work a standard schedule (5 x 8). Unless an exception is granted, individuals must work the schedule established for his/her work station. The standard schedule (5 x 8) is the only exception alternative.

2-2. Hours of Work

The Air Commander, CAO, Directors, and Brigade AO's/ Commanders will establish the duty hours for their areas of responsibility. All hours of duty will be between the hours of 0600 and 1800 hours. Each individual responsible for establishing the duty hours will submit their schedule to the payroll office.

a. Flextime is not authorized.

b. Lunch periods are established by supervisors and are limited to **30** minutes. Organizations may extend the **30** minute lunch period, **not to exceed 60 minutes**, by adding the additional time to the beginning or end of the duty day and adjusting the start/stop times. A lunch or other meal period is an approved period of time in a non-pay and non-work status that interrupts a basic workday or a period of overtime work for the purpose of permitting employees to eat or engage in permitted personal activities.

c. Supervisors may authorize short rest periods during the daily tour, when such periods are beneficial or necessary for technician health, safety, and productivity. Rest periods are considered duty time and are included in the daily tour of duty.

Rest periods granted will conform to the following conditions:

1) The rest period will not exceed 15 minutes during each 4 hours of continuous work.

2) If the period from the beginning of a technician's daily tour to the lunch period is less than 4 hours, a rest period is not authorized. If the period from the end of the lunch period to the end of the technician's daily tour is less than 4 hours, a rest period is not authorized.

3) An agency may not extend a regularly scheduled lunch break by permitting an employee to take an authorized rest break (with pay) prior to or immediately following lunch, since a rest period is considered part of the employee's compensable basic workday.

e. Variation for educational purposes. The Adjutant General (or designee) may authorize a rescheduling of the customary workweek to allow employees to take courses in nearby colleges, universities, or other educational institutions when the rescheduling does not appreciably interfere with the accomplishment of the work to be performed. The employee is still responsible for a full 40-hour workweek and no premium pay will be paid solely because of the rescheduling. The courses taken must not be government training. While the courses need not be directly related to the work of the agency, they should be such that will equip the employee for more effective work in the agency.

2-3. Night Shifts

Technicians who meet the definition of “employee” in 5 U.S.C. 5541(2) are covered by the night pay provisions and who are assigned to a regularly scheduled night shift will receive differential pay as follows:

a. General Schedule:

- 1) General Schedule technicians on a regularly scheduled tour of duty are entitled to night differential pay for the hours worked (scheduled) between the hours of 6:00 p.m. and 6:00 a.m. The rate of pay is the regular rate plus ten percent.
- 2) An employee is entitled to a night pay differential for a period when he is excused from night work on a holiday or other non workday and for night hours of his tour of duty while he is in an official travel status, whether performing actual duty or not. It continues during short periods of paid leave, i.e., periods of less than eight hours of paid leave, inclusive of night and day hours, during the pay period. Payment of night differential is not authorized for any periods of leave when the total leave in a pay period is eight hours or more. Night pay is paid in addition to overtime or holiday premium pay.

c. Federal Wage System Technicians:

- 1) A Federal Wage System technician on a regularly scheduled tour of duty is entitled to pay at his scheduled rate plus a differential of seven and one-half percent of his scheduled rate for regularly scheduled non-overtime work when a majority of his work (5 hours or more) occurs between 3:00 p.m. and midnight, or ten percent of his scheduled rate if the majority of his work hours occurs between 11:00 p.m. and 8:00 a.m. The differential pay will be paid for the entire shift when a majority (5 hours or more) of the technician’s hours fall between the hours above.
- 2) A Federal Wage System technician regularly scheduled to a night shift for which the night shift differential is payable, is entitled to the night shift differential for periods of excused absence on a holiday, while in official travel status during the hours of his regular night shift, or on court leave.
- 3) The night differential payable during periods of leave with pay.
 - a) A technician regularly assigned to a night shift shall be paid a night shift differential during a period of leave with pay.
 - b) A technician regularly assigned to a day shift who is temporarily assigned to a night shift shall be paid a night shift differential for any leave with pay taken when scheduled to work night shifts.
 - c) A technician assigned to a regular rotating schedule involving work on both day and night shifts shall be paid a night shift differential only for any leave with pay taken when scheduled to work night shifts.
 - d) A technician who is not regularly assigned to a day shift or a night shift but whose shift is changed at irregular intervals shall be paid a night shift differential during leave

with pay if the employee received a night shift differential for the last shift worked preceding leave with pay.

d. Requests for night differential must be submitted in writing through channels to the Human Resources Office.

2-4. *Standby Duty and On-Call Status*

a) Supervisors are responsible for determining the need for “standby duty” and or placement in “on-call” status. Management must place the technician in the appropriate status and provide information pertaining to restrictions and permitted activities. The technician has the responsibility to adhere to those restrictions, and be ready, willing and able to work during the assigned duty hours outside their regular tour of duty.

b) The technician is placed in a “standby duty” for a specified time, usually on a recurring basis. This period may encompass both regular duty and non-duty hours. The technician must be officially ordered to remain at his/her station; either (1) restricted to quarters at base, (2) to her/his own residence, or (3) to another, specifically designated duty location by a formal order of management. The individual must remain in a state of constant readiness to perform work at all times during the standby period.

c) A technician may be placed in an “on-call” status for a specified period of time covering non-duty hours. When placed in on-call status, the technician faces fewer restrictions. However, the technician must (1) retain the ability to perform her/his work, (2) remain within a reasonable commuting area from the duty station (usually must be able to report within an hour), and may (3) carry a beeper or provide a telephone number where she/he can be reached. The technician will receive compensatory time for all hours actually worked when “on-call”, but do not receive compensatory time for merely being in “on-call” status.

CHAPTER 3

ANNUAL LEAVE

3-1. Eligible Employees

All permanent and indefinite employees are eligible for annual leave. Temporary employees who are appointed to positions of 90 days are entitled to earn annual leave upon completion of the first biweekly pay period. Temporary employees who are appointed for less than 90 days are not entitled to annual leave. However, when temporary appointments of less than 90 days cumulatively exceed 90 days, without a break in service, the technician is entitled to annual leave. In such cases the technician accrues leave retroactively to the effective date of the initial appointment. A break in service occurs anytime an employee is not on the Government's employment rolls for a period of more than three calendar days.

3-2. Earning Of Annual Leave

- a. Full time employees earn leave during each full biweekly pay period while in a pay status or in a combination of a pay status and non pay status. Part time employees who are in a pay status in excess of their basic working hours in a pay period receive no credit for the excess hours when computing leave earnings.
- b. Employees must be employed for the full biweekly pay period to be entitled to accrue annual leave for that period.
- c. Full time and part time employees who change to an intermittent work schedule during the pay period are eligible to have their leave accruals prorated. See Appendix A for pro ration.
- d. Full-time employees will earn annual leave as follows:
 - 1) Employees with less than three years of service earn four hours annual leave for each biweekly pay period.
 - 2) Employees with three but less than 15 years of service earn 6 hours of annual leave for each biweekly pay period except for the last full pay period of the calendar year when they earn 10 hours of annual leave.
 - 3) Employees with 15 years or more of service earn 8 hours of annual leave for each full biweekly pay period.
- e. Part-time employees will earn annual leave as follows:
 - 1) An employee with less than 3 years of service earns 1 hour of annual leave for each 20 hours in a pay status.
 - 2) An employee with 3 but less than 15 years of service earns 1 hour of annual leave for each 13 hours in a pay status.
 - 3) An employee with 15 years or more of service earns 1 hour of annual leave for each 10 hours in a pay status.

3-3. Creditable Service

The following types of service are creditable for determining the leave earning category (4, 6 or 8 hour category).

- 1) Permanent CSRS or FERS service.
- 2) Indefinite CSRS or FERS service.
- 3) Non-deduction (temporary or LWOP) civilian service except that LWOP in excess of 6 months in a calendar year (cumulative) is not creditable. Excess LWOP to perform military duty or as a result of a workers' compensation case is creditable.
- 4) Active military service performed under Title 10 USC.
- 5) Active military service performed under Title 32 USC which meets all of the following criteria:
 - a) Interrupts creditable civilian service.
 - b) Is performed under Section 316, 502, 503 or 504 or 505 of Title 32.
 - c) Return to technician status is after 2 AUG 90.
 - d) Pay is received for the Title 32 service.

Technicians who have service they believe may be creditable should forward copies of documentation to HRO for review and determination.

3-4. Maximum Accumulation

Federal employees may accumulate a maximum of 240 hours of annual leave. However, excess annual leave will only be forfeited at the beginning of the first pay period of the new leave year.

3-5. Granting Annual Leave

- a. Purpose - Annual leave is provided to allow every employee periods of relaxation and to provide short periods of time off for personal and emergency purposes.
- b. Scheduling Annual Leave - Supervisors have the responsibility to decide when the leave may be taken. This decision will generally be made in light of the needs of the organization/mission rather than solely on the desires of the employee. Supervisors will insure that annual leave is scheduled for use so as to prevent any unintended loss at the end of the leave year. If a severe work interruption should arise, supervisors may cancel scheduled leave.
- c. Advancing Annual Leave - Annual leave **may** be advanced. Advancement of leave will be handled on a case by case basis and cannot exceed the amount of leave that would accrue to the employee during the current leave year. Advancing annual leave to perform military duty would not be appropriate as annual leave is for rest and relaxation. All requests for advance annual leave will be submitted through normal channels to the Human Resources Officer for approval. **Employees do not have an entitlement to advanced annual leave.**

- d. Sickness During Annual Leave - When sickness occurs during a period of annual leave, supervisors may grant sick leave for the period of sickness. Employee will provide medical documentation and proper leave request form upon return from leave.
- e. The minimum charge for annual leave is fifteen minutes.
- f. Generally, employees are prohibited from taking annual leave immediately prior to their separation, often referred to as "terminal leave".
 - 1) Terminal, annual, or vacation leave immediately prior to separation from federal service, when the separation is known in advance, is limited to cases where the good of the service requires such action. In these cases a written request must be forwarded to HRO.
 - 2) If an employee takes annual leave prior to separation, but is present for, and performs duty on his/her last administrative workday, the leave is not considered terminal and does not violate the restriction. In addition, the terminal leave rules do not apply to an employee who takes accrued annual leave during the final hours of the last day of employment before separation, providing the employee substantially works the entire final pay period, including part of the last day of that period. In this case, the employee may accrue and use the leave during the last day of employment.
 - 3) In addition Section 5 USC 5534a allows a member of a uniformed service who has performed active service and who is on terminal leave pending separation from, or release from active duty, under honorable conditions, to accept a civilian position in the Federal Government and to receive the pay of that position in addition to pay and allowances from the uniformed service for the unexpired portion of the terminal leave.
 - 4) Under the provisions of the Civilian Assistance and Re-Employment (CARE) Program, the terminal leave restriction does not apply to individuals in receipt of Reduction-In-Force (RIF) separation notices who, through the use of accrued annual leave, may extend their separation date to attain first eligibility for retirement annuity and/or Federal Employee Health Benefits Program Annuitant coverage.

3-6. Restoration of Forfeited Annual Leave

- a. Authorization - Public Law 93-181, 14 December 1973, provides for restoration of annual leave forfeited due to administration error, sickness, or exigencies of the public business (this includes furlough). An agency may restore annual leave that is forfeited because it is in excess of the maximum leave ceiling (i.e., 30, 45, or 90 days) if the leave was lost because of an administrative error, exigency of the public business, or sickness of the employee.
- b. Request for Restoration - Of paramount importance in the review of any request for restoration of annual leave is a determination that the operational demands were of such importance that technicians could not be excused from duty for the duration and that there was no reasonable alternative to cancellation of scheduled leave. In addition, the law requires that the annual leave must have been scheduled at least three pay periods prior to the end of the leave year before such leave can be considered for restoration (5 CFR 630.308.) The following documentation supporting requests for restoration of leave must be submitted through channels to HRO:
 - 1) Written verification of scheduling, rescheduling of the annual leave.

- 2) Calendar date the leave was approved.
- 3) Date(s) during which the leave was scheduled for actual use.
- 4) Reason(s) for subsequent canceling of approved leave.
- 5) Beginning and ending date of the operational demand that resulted in the forfeiture.
The date fixed as the termination of the emergency determines the two year period within which the restored leave must be used.
- 6) The date the canceled leave was rescheduled.
- 7) The exact number of hours requested to be restored.

c. Restored annual leave must be credited to a separate leave account and must be used within two years. If restored leave is not used within the established time limits it will be forfeited with no further right to restoration.

3-7. Disposition of Annual Leave

Technicians are entitled to receive a lump sum payment for all accumulated and accrued annual leave upon separation from technician employment. If the technician leaves the Kentucky National Guard to accept a position in another federal agency, lump-sum payment of annual leave is not allowed but will be transferred to the new position. If an employee is reemployed in the Federal service prior to the expiration of the period of annual leave (i.e., the lump sum leave period), he/she must refund the portion of the lump sum payment that represents the period between the date of reemployment and the expiration of the lump sum period. An agency re-credits to the employee's leave account the amount of annual leave equal to the days or hours of work remaining between the date of reemployment and the expiration of the lump sum leave period.

CHAPTER 4

LEAVE WITHOUT PAY

4-1. *Eligible Employees*

All technicians are eligible for leave without pay (LWOP).

4-2. *Granting Leave Without Pay*

a. **Administrative Discretion.** The authorization of leave without pay is a matter of employer administrative discretion. Employees cannot demand that they be granted leave without pay as a matter of right except as follows:

- 1) To cover a disabled veteran's absence for medical treatment (E.O. 5396, dated July 17, 1930).
- 2) To cover a technician's absence to perform military duties (not covered by some form of paid leave) under P.L. 103-353 and 5 CFR 353.106.
- 3) To cover an absence, for limited periods, when the technician is receiving injury compensation under the Federal Employees Compensation Act (workers compensation).
- 4) The Family and Medical Leave Act (FMLA) of 1993, Public Law 103-3 dated February 5, 1993, provides covered employees an entitlement to a total of 12 weeks of unpaid leave (LWOP) during any 12 month period for certain family and medical needs. See Chapter 7 of this regulation for details.

b. **Approval Conditions of Leave Without Pay.** As a basic condition to approval of leave without pay, there should be reasonable expectation that the technician will return at the end of the approved period. In addition, it should be apparent that at least one of the following benefits will result:

- 1) Increased job ability;
- 2) Protection or improvement of employee's health;
- 3) Retention of a desirable employee; or
- 4) Furtherance of a program of interest to the government.

c. **Approval Considerations.** Each request for leave without pay will be examined closely to ensure that the value to the government or the serious needs of the employee are sufficient to offset such costs and administrative inconveniences as:

- 1) Encumbrance of the position.
- 2) Obligation to provide active employment at the end of LWOP.
- 3) Eligibility for continued coverage without cost to individuals for up to one year of FEGLI Life Insurance.
- 4) Loss of services that may be vital to the organization.

- 5) The effect of leave without pay on such benefits as retirement, leave accrual, within grade increases, health insurance, thrift savings and severance pay.
- d. Legal Limits - There is no maximum prescribed by law for the amount of LWOP granted. However, LWOP should not be authorized for more than 52 calendar weeks, except in unusual circumstances. Extensions for any like or shorter period should be carefully reviewed.
- e. Conversion to Another Form of Leave.- LWOP granted an employee may not at a later time be converted to annual or sick leave, **except** if applying for disability retirement, someone who invokes their entitlement under the Family and Medical Leave Act or an employee whose workers' compensation case has been disallowed.

4-3. Requesting Leave Without Pay

- a. Supervisors may approve LWOP up to and including 80 hours duration. Leave without pay in excess of 80 hours will be submitted on Standard Form 52 by the employee through channels to the Human Resources Office for approval. Requests must specify the inclusive dates, the number hours requested, the reasons supporting the request, and endorsements at each level of supervision.
- b. If the request is for medical reasons a statement signed by a doctor will be enclosed with the request.
- c. All requests for leave without pay to attend military training will be submitted on Standard Form 52 with a copy of the military order attached. The Human Resources Office will document all such absences on a Standard Form 50.
- d. Technicians will be terminated upon attaining 5 cumulative years of LWOP.

4-4. LWOP Is Not a Penalty

Generally you may not place a technician on LWOP without his/her request. LWOP may not be imposed as a penalty. This paragraph does not negate the provisions concerning enforced leave found in Chapter 19 of this regulation.

4-5. Effects of Extended LWOP on Federal Benefits and Programs

Employees should be aware of the affect LWOP has on their entitlements to or eligibility for Federal benefits. Questions about the effects of LWOP on Federal benefits and programs may be addressed to your Benefits Specialist at the Human Resources Office.

CHAPTER 5

SICK LEAVE

5-1. Eligible Employees

All employees (permanent or temporary) regardless of work schedule (full time or part time) are eligible to earn and use sick leave.

5-2. Earning Of Sick Leave

- a. Full time employees earn sick leave at the rate of 4 hours for each full biweekly pay period.
- b. Part time employees earn 1 hour of sick leave for each 20 hours in a pay status.
- c. Employees must be employed for the full bi-weekly pay period to be entitled to accrue sick leave for that period.
- d. Full time and part time employees who change to an intermittent work schedule during the pay period are eligible to have their leave accruals prorated. See Appendix A for pro ration.
- e. Sick leave is earned from the first pay period of employment and its earning is not affected by the type of appointment or length of service.

5-3. Maximum Accumulation

Unused sick leave accumulates without limit.

5-4. Granting Sick Leave

- a. Purpose. Sick leave is appropriate when any of the following circumstances cause absence.
 - 1) Medical, dental, or optical examination or treatment.
 - 2) Incapacitation for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth.
 - 3) Care for a family member as a result of physical or mental illness; injury; pregnancy; childbirth; or medical, dental, or optical examination or treatment provided the condition would qualify the employee for sick leave if he or she had the same condition.
 - 4) Biological father's are entitled to use sick leave for the biological mother for any period (up to a maximum of 12 weeks) during which she is incapacitated as a result of pregnancy and childbirth. This includes prenatal and postnatal doctor's exams, hospitalization, and recovery from childbirth. In most cases, however, the biological mother's period of incapacitation will be less than 12 weeks (most doctors certify that the recovery period is generally about 6 weeks). An agency may request administratively acceptable evidence of the mother's period of incapacitation for the use of sick leave.
 - 5) A biological mother or father cannot use 12 weeks of sick leave to care for a healthy newborn. By law, an employee may use sick leave only for periods of sickness and other incapacitation or for purposes related to the adoption of a child. He/she may use annual leave or leave without pay to care for a healthy newborn.

- 6) Make arrangements necessitated by the death of a family member or attend the funeral of a family member.
- 7) Jeopardize the health of others by his or her presence on the job because of exposure to a communicable disease.
- 8) Must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed. Sick leave may not be used by adoptive parents who voluntarily choose to be absent from work to bond with an adopted child.
- 9) On military travel order (travel and per diem only; no pay, incap pay or retirement points) for the purpose of seeing military and medical authorities as a result of injury or illness sustained while engaged in military duty.
- 10) If injured in the line of duty (LOD) sick leave may be taken, however earned income would be deducted from incap pay.

d. Limitations on Use for Family Care and Bereavement. There is a limit on the amount of sick leave an employee can use for family care and bereavement each leave year. The basic limit for full-time employees is 40 hours. An additional 64 hours can be used if the use of that leave does not cause the amount of sick leave to the employee's credit to fall below 80 hours. Advanced sick leave may not be considered when determining whether an employee has maintained this 80 hour minimum balance.

e. Sick Leave to Care for a Family Member with a Serious Health Condition. Federal employees may use a total of up to 12 administrative workweeks of sick leave each leave year to care for a family member with a serious health condition. If an employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes (item 5-4b above) in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he/she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to a total of 12 weeks of sick leave each leave year for all family care purposes. The same limitations apply to use of sick leave to care for a family member with a serious health condition as apply to the use of sick leave for general family care or bereavement purposes. You still must maintain a balance of at least 80 hours in your leave account.

f. Restrictions on terminal leave do not apply to employees on sick leave pending approval of disability retirement application. These individuals may continue to use sick leave, selecting the most advantageous effective date of retirement. Use of sick leave is also prohibited when an individual is separated under a Discontinued Service Retirement (Involuntary) prior to the separation date.

g. Family member defined. For the purposes of this chapter "family member" means the following relatives of the employee:

- 1) Spouse, and parents thereof;
- 2) Children, including adopted children and spouses thereof;

- 3) Parents;
 - 4) Brothers and sisters, and spouses thereof; and
 - 5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- f. Charging Sick Leave - The minimum charge for sick leave is one half hour increments.

5-5. Responsibilities

- a. Supervisor responsibilities.
 - 1) It is the responsibility of the immediate supervisor to determine whether absences are properly chargeable to sick leave.
 - 2) Whenever it is found that an absence does not warrant the use of sick leave, it may be charged to annual leave or leave without pay, as appropriate; or, if such absence was not authorized, it may be charged as AWOL.
 - 3) Require medical certificates from the employee when appropriate.
 - 4) The supervisor (or designee) must maintain information on employees who use sick leave for family care or bereavement. This data capture is necessary to ensure the correct information is available to generate reports required by the U.S. Office of Personnel Management. The information required to be maintained for each occurrence is name, number of hours used, purpose (i.e. family care or bereavement) and relationship (i.e. son, spouse, father).
- b. Employee responsibilities.
 - 1) The technician who becomes aware of a need to use sick leave is responsible for notifying his supervisor as soon as practical.
 - 2) A technician shall request advance approval for sick leave for medical, dental, or optical examination.
 - 3) The technician will furnish a medical certificate when requested by his supervisor.
 - 4) Individuals who use sick leave for family care or bereavement or sick leave for a family member with a serious health condition must annotate the OPM 71 (Request for Leave or Approved Absence) by checking whichever block is applicable under "Purpose".

5-6. Medical Certificates

Medical certificates will be required under the following conditions:

- a. For absences in excess of three (3) consecutive workdays. However, an employee's written statement of the reason for his illness that exceeds three days may be considered and accepted by the supervisor in lieu of a doctor's certificate when the employee's illness did not require the services of a doctor, or a doctor was not involved due to the remoteness of the locality or an inability to secure medical services.

b. For absences for short periods of frequent intervals and there is reason to believe that the sick leave privilege is being abused. In such cases, the technician will be notified, in writing, by his technician supervisor that a Medical Certificate will be required to support future grants of sick leave. This written notification will be effective until such time as a review of the case reveals that the requirement is no longer necessary.

c. In addition, the agency may also require an employee requesting sick leave to care for a family member with a serious health condition to provide an additional written statement from the healthcare provider concerning the family member's need for psychological comfort or physical care.

5-7. Advancing Sick Leave

a. Sick leave may be advanced to an employee when required by exigencies of the situation. A full time employee who is seriously injured or ill may draw on his anticipated future sick leave accruals if the disability surpasses his current accumulation. At the discretion of the agency, a maximum of 240 hours sick leave may be advanced under these circumstances. The advancing of sick leave may be granted subject to the following conditions:

- 1) Request for advancement will be supported by medical certificate.
- 2) All available accumulated sick leave will be exhausted before advancement.
- 3) Annual leave that would otherwise be forfeited is used.
- 4) There is reasonable assurance that the technician will return to duty to earn and repay advance credits.

b. In the case of technicians serving under temporary appointments or under probationary or trial periods, sick leave may be advanced only up to the total amount they would earn during the term of the appointment.

c. The advanced sick leave to a technician's account may never exceed 240 hours at any time. Where it is known that the technician is to be retired or where it is anticipated that he/she is to be separated, the total advance may not exceed an amount which can be repaid by sick leave accruals prior to the separation. If an employee **retires on disability**, the agency should be cautious in any advance of sick leave, as the requirement to repay the advance does not apply.

d. In the case of Sick Leave for Family Care and Bereavement, any or all of the first 5 days (40 hours) used for those purposes each leave year may be advanced. However, sick leave that has been advanced may not be considered when determining whether an employee has met the 80 hour minimum balance required to make an employee eligible for the additional 64 hours of sick leave for family care or bereavement as shown in paragraph 5-4, b, above.

e. Requests for advance sick leave will be submitted through normal channels with medical certification to the Human Resources Officer for approval.

5-8. Unliquidated Advances

a. Unliquidated advance sick leave is carried forward from pay period to pay period and from one leave year to another until liquidated by sick leave accruals. When separation occurs prior to liquidation of the entire advanced sick leave, the remaining balance must be repaid

unless the separation is caused by death, disability retirement, or a disability which prevents the employee from continuing in service and which is the basis for the separation.

- b. In the case of a technician separating from the agency, the agency will:
- 1) Request the technician to refund the amount paid for the period covering the leave for which indebted.
 - 2) Charge the indebtedness against available annual leave.
 - 3) Set-off against earned salary or unapplied savings bond balances.
 - 4) Request for retirement set-off (except in disability retirement cases).

5-9. *Disposition of Sick Leave*

When an employee separates from federal service disposition of the unused sick leave balance will be as follows:

- a. If the technician separates by any means other than retirement under the Civil Service Retirement System (CSRS) or Federal Employees Retirement System (FERS) all unused sick leave at the time of separation will be annotated in the Official Personnel Folder. If the technician is ever reemployed in the Federal Government, the sick leave will be re-credited to his sick leave account.
- b. If the technician retires subject to the Civil Service Retirement System, all unused sick leave will be converted to years, months, and days and credited to the technician as service for retirement purposes.
- c. If the technician retires subject to the Federal Employees Retirement System, no credit is given for unused sick leave.

CHAPTER 6

ABSENCES FOR MATERNITY REASONS

6-1. Eligible Employees

All technicians (male and female) are eligible for absences for maternity reasons.

6-2. Absences for Maternity Purposes

This is a period of approved absence for incapacitation related to pregnancy and confinement. There is not a separate “maternity leave” as a type of leave. It is chargeable to any combination of sick leave, annual leave, leave without pay, and compensatory time. There should be no arbitrary cutoff date which requires a technician to cease work at a certain date or requires the technician to return to work by a certain date. The length of absence should be determined by the technician, her physician, and her supervisor. An absence covering pregnancy and confinement is to be treated like any other medically certified temporary disability. Requests for advanced sick leave should be processed in accordance with Chapter 5 of this regulation.

6-3. Responsibilities

a. Employee Responsibilities.

- 1) A technician should report her pregnancy as soon as it is known so that any necessary steps can be taken to protect her health or improve working conditions so that necessary staffing adjustments may be planned.
- 2) An employee who is not planning to return to work should submit her resignation at the expiration of the period of incapacitation. She may, however, be separated earlier for other reasons such as expiration of appointment, reduction in force, cause, or other reasons unrelated to the maternity absence.
- 3) A male technician may be granted annual leave, leave without pay, or compensatory time for the purpose of assisting or caring for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons. Further, a male technician may use sick leave provided the provisions for care of a family member (Chapter 7 of this regulation) are met.

b. Agency Responsibilities. The agency has an obligation to assure continued employment in her position or a position of like seniority, status, and pay, to the employee who wishes to work following delivery and confinement.

6-4. Family Medical Leave Act (FMLA)

The provisions of FMLA apply to both male and female technicians who need to be absent for maternity/paternity reasons. Chapter 7 of this regulation discusses FMLA.

CHAPTER 7

FAMILY MEDICAL LEAVE ACT

7-1. *Eligible Employees*

All employees are eligible to use leave under the provisions of the Family Medical Leave Act (FMLA) except intermittent employees and employees serving under a temporary appointment with a time limitation of one year or less. Further, the employee must have completed at least 12 months of civilian service with the Federal Government (not required to be 12 recent or consecutive months).

7-2. *Granting Leave Under FMLA*

a. Permissible use of 12 administrative workweeks unpaid leave provision. Employees shall be entitled to a total of 12 administrative workweeks of unpaid leave (LWOP) during any 12 month period for one or more of the following reasons:

- 1) Birth of a son/daughter and care of a newborn.
- 2) Placement of a son/daughter with technician for adoption or foster care (within one year after placement).
- 3) Care for spouse, son/daughter, or parent with a serious health condition.
 - a) Son or daughter - Includes biological, adopted, foster child, step child, a legal ward, or a child of a person in *loco parentis* (in the place of a parent). The child must be under 18 years of age, or 18 or older and incapable of self-care because of a mental or physical disability.
 - b) Parent - A biological parent or an individual who stands or stood in *loco parentis* to an employee when that employee was a child.
- 4] A serious health condition of the employee that makes the employee unable to perform the essential functions of his or her position. Serious health condition is defined as follows:
 - a) To be considered a "serious health condition," the condition must require an absence from work, school, or other regular daily activities of more than 3 calendar days. In addition, a "serious health condition" must require continuing treatment by, or under the supervision of, a health care provider.
 - b) Examples of serious health conditions cited in the legislative history include, but are not limited to, heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, injuries caused by serious accidents on or off the job, ongoing pregnancy, miscarriages, complications or illnesses related to pregnancy (such as severe morning sickness), the need for prenatal care, childbirth, and recovery from childbirth. All of these conditions meet the general test that either the underlying health condition or the treatment for it requires absences on a recurring basis or for more than a few days for treatment or recovery. They also involve inpatient care or continuing treatment and/or supervision by a health care provider, and frequently involve both.

- c) When Both Parents Are Employees. A father and a mother are each entitled to 12 administrative workweeks of unpaid leave for a birth, adoption, foster care, or for the care of a son or daughter with a serious health condition.
- d) Time Limitations. The 12 month period referred to in subparagraph a., commences on the day the employee first takes leave for a family or medical need and continues for 12 months. An employee is not entitled to 12 additional workweeks of leave until the previous 12 month period ends and an event or situation occurs that entitles the employee to another period of family or medical leave. (this may include a continuation of a previous situation or circumstance.)
- e) Substitution of Paid Leave.
 - 1. An employee may elect to substitute paid time off for any or all of the period of leave under FMLA.
 - 2. Any of the following types of paid time off may be substituted: accrued or accumulated annual or sick leave, leave donated to the employee under the voluntary leave transfer program, or compensatory time.
 - 3. The agency may not deny an employee's right to substitute paid time off for any or all of the period of FMLA leave.
 - 4. The agency may not require an employee to substitute paid time off for any or all of the period of FMLA.
 - 5. If the hours available to an employee are insufficient to cover the hours used or requested, the order of precedence will take affect.
- f. Protection of Employment and Benefits. Technicians are entitled to be restored to the same or equivalent position, with equivalent benefits, pay, status, and other terms and conditions of employment. The law will not entitle any restored technician to the accrual of any employment benefits during any period of leave or to any right, benefit, or position of employment other than those to which the employee would have been entitled had the technician not taken the leave.

7-3. Responsibilities

- a. Supervisor Responsibilities.
 - 1) Determine whether absences are properly chargeable to family or medical leave.
 - 2) Ensure proper documentation of family and medical leave for reporting purposes.
 - 3) Post family and medical leave to T & A reports according to payroll requirements.
 - 4) Require certification from the health care provider concerning the technician's ability to resume work.

- 5) If needed, require periodic status reports on the technician's ability or intention to resume work.
- b. Employee Responsibilities.
- 1) Employee must invoke entitlement to FMLA leave. The employee shall provide notice to the agency of his/her intention to take leave not less than 30 calendar days before the date the leave is to begin. Request leave as far in advance as possible, particularly if the absence is to be prolonged as this would give the agency time to make necessary adjustments to cope with the absence.
 - 2) Submit requests involving use of sick or annual leave to the supervisor with any supporting documentation. If the request is for medical reasons also include the Certification of Health Care Provider form, found in Appendix C at www.opm.gov/oca/leave/HTML/formindx.htm.
 - 3) Submit requests for family or medical leave involving LWOP as follows:
 - a) Requests for LWOP over 80 hours will be submitted on a SF 52 through the line of supervision to HRO. Remarks must indicate employee invokes entitlement under FMLA.
 - b) All requests for LWOP of 80 hours or less will be submitted to the supervisor on OPM Form 71 dated June 2001.
 - c) If the request is for medical reasons a certification of health care provider form will be enclosed.
 - 4) If LWOP is used for FMLA purposes the technician may elect to continue federal employee health benefits (FEHB) coverage. The technician must make arrangements through HRO to pay the employee portion of the premiums.

7-4. Continued Employment After Extended Family Medical Leave

- a. Employees who plan to return to work. The agency will assure continued employment for an employee for whom extended leave has been approved unless termination is otherwise required by expiration of appointment, by reduction-in-force, for cause, or for other reasons unrelated to the absence. The employee must be allowed to return to the position formerly occupied.
- b. Employees who do not plan to return to work. An employee who has given birth and does not plan to return to work should submit her resignation at the expiration of her period of incapacitation. She may, however, be separated earlier for other reasons, such as expiration of appointment, reduction in force, cause, or other reasons unrelated to the maternity absence.

CHAPTER 8

VOLUNTARY LEAVE TRANSFER

8-1. *Eligible Employees*

All technicians are eligible for Voluntary Leave Transfer (VLT) as recipients and donors except an employee may not donate leave to his or her immediate supervisor.

8-2. *Provisions of the Voluntary Leave Transfer Program*

a. Purpose. VLT allows Federal employees to donate **annual** leave to assist other Federal employees, in their agency or other federal agencies, who have personal or family medical emergency situations and who have exhausted their own leave. Applicants must have exhausted all available paid leave before receiving donated leave. If the medical emergency involves a family member, the employee's available paid leave includes any sick leave available to the employee for family care purposes, but does not include sick leave that cannot be used for family care because the employee is unable to maintain an 80 hours sick leave balance. Maternity situations will be considered in the same manner as other incapacitating medical conditions of similar duration. A new mother may receive donated leave for her period of incapacitation following the birth. Only employees experiencing a "medical emergency" (including a medical condition of a family member) are eligible to become leave recipients. For the purposes of VLT "family member" is defined as:

- 1) Spouse, and parents thereof;
- 2) Children, including adopted children, and spouses thereof;
- 3) Parents;
- 4) Brothers and sisters, and spouses thereof; and
- 5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

b. Limitations on donation of annual leave.

- 1) In any one leave year, a leave donor may donate no more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made.
- 2) In the case of a leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year, the maximum amount of annual leave that may be donated during the leave year shall be the lesser of:
 - a) One-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made; or
 - b) The number of hours remaining in the leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay.

- 3) Donations from other federal agencies. The employing agency of the leave recipient must accept the transfer of annual leave from a donor employed in another federal agency if;
 - a) The leave donor is a family member of the leave recipient;
 - b) The leave recipient's employing agency determines that the amount of annual leave donated within the agency may not be sufficient to meet the needs of the leave recipient; or
 - c) In the judgment of the leave recipient's employing agency, acceptance of leave transferred from another federal agency would further the purpose of the voluntary leave transfer program.

8-3. Application Procedures to Become a Leave Recipient

- a. Technicians may apply to become leave recipients by completing OPM 630 and submitting it to the first line supervisor. If the technician is not capable of making application, another technician may make written application on their behalf. Documentation of the medical emergency provided by the attending physician or medical expert stating the extent of the medical emergency and its approximate duration should accompany the application.
- b. Immediate supervisors will attempt to verify the information submitted, make their recommendation in block 17 of the OPM 630 and forward the request through channels to the appropriate deciding official. The Air Commander serves as the deciding official for all air technicians. The Chief of Staff serves as the deciding official for all army technicians. Further, the supervisor will monitor the status of the medical emergency and will notify HRO when the emergency has terminated.
- c. OPM 630 can be found in Appendix C of this regulation or www.opm.gov/forms/html/opm.asp.

8-4. Approval of Applications to Become a Leave Recipient

- a. Upon receipt of an application the deciding official will determine that the absence from duty without available paid leave because of the medical emergency is (or is expected to be) at least 24 hours (or, in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours in the employee's biweekly scheduled tour of duty). This is the only factor the deciding official will consider in determining whether a medical emergency is likely to result in a substantial loss of income.
- b. The deciding official will sign block 18 of the OPM 630, indicate approval or disapproval, and forward the request to HRO.
- c. If approved HRO will notify the leave recipient within 10 workdays after the application was received. This notification will inform the technician that the request was approved and that other employees may request the transfer of annual leave to the account of the leave recipient.
- d. If disapproved HRO will notify the applicant within 10 workdays after the application was received. This request will inform the applicant that the application has not been approved and the reasons for the disapproval.

8-5. Application Procedures for Leave Donors

- a. **Only annual leave** may be donated.
- b. Technicians who wish to become leave donors may apply by completing OPM 630-A and forwarding to HRO for approval.
- c. A leave donor cannot donate annual leave to his/her immediate supervisor.
- d. HRO will attach approved leave Donor Request, OPM 630-A and forward them to the appropriate payroll office (Army/Air).
- e. OPM 630-A can be found in Appendix C of this regulation or www.opm.gov/forms/html/opm.asp.

8-6. Use of Transferred Annual Leave

- a. A leave recipient may use annual leave transferred to his/her account in the same manner and for the same purposes as if he/she had accrued the annual leave.
- b. Transferred annual leave may not be:
 - 1) Used until all accrued annual leave is exhausted.
 - 2) Used until all accrued sick leave, if applicable, is exhausted. Sick leave is applicable if the employee is ill or injured or the medical emergency involves a family member and limitations on use of sick leave for family care or bereavement have not been attained.
 - 3) Transferred to another leave recipient under this regulation.
 - 4) Transferred to another agency upon the leave recipient's transfer of employment.
 - 5) Included in a lump sum payment.
 - 6) Made available for re-credit upon re-employment by another Federal agency.
- c. Annual leave transferred under this program may be submitted retroactively for periods of leave without pay (LWOP) or used to liquidate an indebtedness for advanced annual or sick leave that was granted on or after the date determined to be the beginning of the period of medical emergency which gave rise to use of VLT.

8-7. Termination of Medical Emergency

The medical emergency affecting a leave recipient shall terminate:

- a. When the leave recipient's employment is terminated by the Kentucky National Guard.
- b. At the end of the bi-weekly pay period in which the leave recipient's supervisor determines that the leave recipient is no longer affected by an emergency; or
- c. At the end of the bi-weekly pay period in which the leave recipient's employing agency receives notice that OPM has approved an application for disability retirement.
- d. When the medical emergency affecting a leave recipient terminates, no further requests for transfer of annual leave to the leave recipient may be granted, and any unused transferred

e. Annual leave remaining to the credit of the leave recipient shall be restored to the leave donors under this regulation.

8-8. Disposition of Transferred Annual Leave

a. Any transferred annual leave remaining to the credit of the leave recipient when the medical emergency terminates, shall be restored to the leave donor(s) to the extent administratively feasible. The amount of unused transferred annual leave to be restored to each leave donor shall be determined as follows:

- 1) Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the leave recipient;
- 2) Multiply the ratio obtained in paragraph a. (1) of this section by the number of hours of annual leave transferred by each leave donor eligible for restoration under of this section; and
- 3) Round the result obtained in paragraph a. (2) of this section by .5 (smallest increment of annual leave that may be taken).

b. If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused transferred annual leave shall be restored. In no case shall the amount of annual leave restored to a leave donor exceed the amount transferred to the leave recipient by the leave donor.

c. If the leave donor is by any means separated from Federal service before unused transferred annual leave can be restored, the employing agency of the leave recipient shall not restore the unused transferred annual leave to that donor.

d. At the election of the leave donor, unused transferred annual leave restored to the leave donor under this section may be restored as follows:

- 1) Crediting the restored annual leave to the leave donor's annual leave account in the current leave year;
- 2) Crediting the restored annual leave to the leave donor's annual leave account effective as of the first day of the first leave year beginning after the date of election; or
- 3) Donating such leave in whole or part to another leave recipient.

e. If a leave donor elects to donate only part of his or her restored leave to another leave recipient under paragraph d. (3) of this section, the donor may elect to have the remaining leave credited to the leave donor's annual leave account under paragraphs d. (1) or d. (2) of this section.

f. Transferred annual leave restored to the account of a leave donor under paragraphs d. (1) or d. (2) of this section shall be subject to the limitation (240 hour maximum annual leave accumulation) imposed by chapter 3, paragraph 3-4 of this regulation at the end of the leave year in which the restored leave is credited to the leave donor's annual leave account.

CHAPTER 9

MILITARY LEAVE

9-1. *Eligible Employees*

- a. Military leave is granted to all full time permanent and indefinite technicians whose appointment is expected to last one year or longer.
- b. Permanent, part time employees earn military leave on a pro rated basis. This percentage is determined by dividing 40 into the number of hours in the regularly scheduled work week of that employee.
- c. Employees with temporary appointments of less than one year or temporary appointments **not to exceed one year are not entitled to military leave**. Extensions of or continuous consecutive temporary appointments, which result in more than one year of consecutive service, **do not** meet this requirement.

9-2 *Earning Military Leave*

Each eligible employee is entitled to leave of absence from his duties, without loss of pay, time, or efficiency rating, for 120 hours in each fiscal year for **active or inactive duty** training.

9-3. *Maximum Accumulation*

Unused military leave may be accumulated for use in the succeeding fiscal year until it totals 120 hours at the beginning of a fiscal year. This gives a full time employee the potential of 240 hours military leave during a fiscal year.

9-4. *Granting Military Leave*

- a. Upon request, an eligible technician is granted any military leave available to him whenever he/she is ordered to federal active duty or **inactive** duty training. Technicians are provided the option of using other available leave first, i.e., annual, compensatory leave, or leave without pay for the performance of such duty.
- b. Effective 21 December 2000, the following guidance applies to the charging of military leave granted under 5 U.S.C. 6323(a):
 - 1) Military leave under Section 6323(a) is charged in hourly increments.
 - 2) Military leave can only be used for periods of absence from the technician position, to include travel time, to perform military duty.
 - 3) There is no charge to military leave on any holiday or non-workday.
- c. Federal employees serving in the National Guard may now use part of their 15 days of military leave for funeral honors duty. Section 562 of Public Law 107-107 amended Section 12503(a) of title 10, United States Code, and Section 115 (a) of title 32, United States Code, to stipulate that funeral honors duty is treated as inactive duty training.
- d. Pay status required. A pay status either immediately prior to the beginning of military duty or a return to a pay status immediately afterwards is a requisite to entitlement of military leave.

e. Dual compensation. Under normal circumstances a period of technician duty and a period of active duty may not be credited on the same calendar day. A technician on active duty status during any portion of a technician duty day must be in an appropriate leave status

(annual, military, compensatory, LWOP) for that entire calendar day. When mission requirements necessitate utilization of a technician for mission accomplishment and the technician is placed on active duty orders and the entry on active duty occurs after the technician has begun a normal technician duty day, the technician will be placed in an appropriate leave status from his/her technician position for the remainder of the day.

f. Examples. Following are examples which should clarify the charging of military leave in conjunction with other leave and the charging of military leave on non-workdays.

- 1) Example No. 1. A technician on a regular work schedule after completing his normal technician duty day on Thursday, 3 March 2005, elects to use military leave. The technician completes military duty on Thursday, 15 March, and returns to technician duty on Friday, 16 March. The period of absence charged to leave would be 72 hours (9 x 8). There is no charge to leave for intervening non-workdays of 5, 6, 12, and 13 March.
- 2) Example No. 2. Using the same dates, but substituting a compressed work schedule of 4 x 10 Tuesday through Friday, would also result in a charge to military leave of 70 hours (7 x 10).
- 3) Example No. 3. In a situation where a technician elects to use military leave to perform inactive duty training (which generally is 2, 4, or 6 hours in length) will be charged only the amount of military leave necessary to cover the period of training and necessary travel. If the technician desired not to report to the technician position that morning, the technician could request the use of annual leave, compensatory time, or leave without pay but not military leave.
- 4) Example No. 4. Employees wanting to use military leave for IDT are reminded that military leave is charged in "one-day" increments and IDT is charged as a Unit Training Assembly (UTA) period or Multiple Unit Training Assembly (MUTA) periods. A UTA is equivalent to 4 hours or 1 period. A "normal" scheduled IDT weekend is charged as a MUTA 4 or 4 periods. For military purposes, it is in the member's best interest to perform a minimum of a MUTA 2 (8 hours) or 2 periods, resulting in a "one day" charge to military leave.

9-5. Military Leave For Certain Duty Performed Outside The Continental United States (OCONUS).

a. Effective 10 February 1996 military technicians were entitled at their request, to receive an additional 44 days of military leave to participate in active duty that meets all of the following:

- (1) The active duty must be performed under **Title 10 USC 12315, Section 12301 (b) or 12301 (d)** for participation in operations outside the United States, its territories and possessions. This leave may also be used during a war or national emergency.
- (2) The technician must be on Title 10 active duty **without pay** and the Title 10 order should reflect such in the remarks. While in this status, the technician continues to receive his/her technician pay and benefits.

- b. Documentation Requirements. A copy of military orders issued by competent authority or a statement signed by the technician's commanding officer is sufficient provided it shows that the active duty meets the criteria in paragraph 9-5, a. above.
- c. This additional 44 days of military leave becomes available on a calendar year basis and must be requested by the technician in writing (via memorandum) through channels to the Human Resources Office. Any unused balance is lost at year's end. There is no provision to carry this entitlement over from one calendar year to the next.
- d. OCONUS Military Leave will be converted from days to hours and charged on the same basis as annual leave. Technicians who work 80 hours per pay period (including those on compressed work schedules) are entitled to a maximum of 352 hours (8 x 44 = 352).
- e. There is no charge for non-workdays and holidays when using OCONUS military leave.
- f. Technicians using this form of military leave are not entitled to holiday (premium) pay, however if night differential and hazardous duty pay are part of a technicians regular basic civilian pay, this would continue.
- g. Technicians may elect to use any other appropriate form of leave (annual leave, law enforcement leave, traditional 120 hours military leave, LWOP, or compensatory time) prior to use of OCONUS military leave. There is no prohibition on commingling this leave with other forms of leave.
- h. Military leave should be credited to a full-time employee on the basis of an 8 hour workday. An employee may be charged military leave only for hours that the employee would otherwise have worked and received pay. If technician is absent a complete workday and they worked a 10 hour day then they would be charged 10 hours military leave.
- i. Technicians must make their leave election prior to deployment.
- j. Technicians using OCONUS military leave may not earn compensatory time.
- k. Per Diem is paid while utilizing this type of leave based on military rates.

9-6. 22 Day Military Leave in Support of Contingency Operations

The National Defense Authorization Act for Fiscal Year 2004, amended 5 U.S.C. 6323(b) to provide 22 days leave per calendar year for emergency duty as ordered by the President, Secretary of Defense, or a State Governor. This leave is provided for employees who perform military duties in support of civil authorities in the protection of life and property or who perform full-time military service as a result of call or order to active duty in support of contingency operation.

9-7. Certification Of Military Duty

Technicians must obtain certification from their commanding officer that scheduled military duty was actually performed. This documentation may be a DD Form 214, NGB Form 102-10, NGB Form 102-10A, Leave/Earnings Statement, AGO 20-1-E, NGB Form 102-10A, NGB Form 105M, memorandum signed by the commander, or any other document that can be used to verify the military duty was actually performed. This certification must be submitted to the technician customer service representative as soon as practicable upon completion of the duty. If certification is not provided the technician will be charged leave in accordance with the order of precedence.

9-8. *Injuries While On Active Duty*

a. **Injuries which occur during deployment are covered under military line of duty procedures and are not entitled to workers' compensation benefits under the Federal Employees Compensation Act (FECA).**

b. Physical Training (P.T.) tests performed during the technician's workweek must be in a military status. This is not a technician requirement for the technician's position; it is considered a military requirement.

9-9. *Disposition Of Military Leave*

Technicians are not entitled to receive a lump sum payment for accumulated military leave upon separation from technician employment. Military leave is forfeited upon separation.

CHAPTER 10

LAW ENFORCEMENT LEAVE

10-1. Eligible Employees

All permanent and indefinite technicians are eligible for Law Enforcement Leave (LEL).

10-2. Earning Law Enforcement Leave

a. Eligible technicians are entitled to not more than 22 workdays (176 hours) of law enforcement leave in a calendar year for the purpose of military aid to enforce the law or assisting civil authorities while performing:

- 1) Federal service under sections 331, 332, 333, or section 12406 of Title 10 or other provisions of law, as applicable, or;
- 2) Full-time military service for the State (State Active Duty).

b. This additional leave is authorized without loss or reduction of leave to which otherwise entitled for the purpose of providing aid to enforce the law. Based on Congressional intent, this includes situations where the Guard does not actually perform "law enforcement" duties while assisting civil authorities. Examples are:

- 1) Participation in rescue or protective work in connection with fire, floods, or other natural phenomena.
- 2) Dropping feed to cattle during a blizzard.
- 3) Providing support services during a strike.
- 4) Assisting State officials during refugee processing.
- 5) Provide assistance to civil authorities in the protection or saving of life or property or prevention of injury.
- 6) Called to active duty in support of a contingency operation as defined in title 10 USC 101(a) (13). This may be performed CONUS or OCONUS.
- 7) Military Funeral Honors. Funeral honors duty is treated as inactive duty training. Military technicians performing military funeral honors as part of a detail must be placed in a military duty status (on orders) and take appropriate leave.

c. Eligible technicians are entitled to LEL regardless if the active duty is mandatory or voluntary.

10-3. Granting Law Enforcement Leave

a. To use LEL technicians must provide the supervisor a federal or state military order issued by competent military authority in accordance with paragraph 10-2, a. above. It is understood that in emergency situations orders may be provided after the service has begun.

- b. Technicians may elect to use annual leave, LWOP, compensatory time, or LEL (or any combination) to cover absences identified in paragraph 10-2 above. There is no requirement that one form of leave be used before another.
- c. Holidays and non-workdays which fall within the period of military duty are not charged against the technician's LEL balance.
- d. Technicians engaged in law enforcement after the workday has started and/or returns before the workday ends will be charged LEL on an hourly basis.
- e. Excused absence may not be used to perform such duty as identified in paragraph 10-2 above, except for Funeral Honors Duty for retirement point credit only.
- f. If the hours available to an employee are insufficient to cover the hours requested, or if military orders are not provided, charging of leave will be in accordance with the order of precedence.

10-4. Crediting Amount of Pay Received

Pay for military service under the provisions of this chapter may not be less than the pay due a technician as his/her regular civilian pay for the same period of time. Military pay and allowances received (other than travel, transportation, or per diem allowance) shall be credited against the technician's civilian pay and, if less than the civilian pay, the technician shall be paid the difference. If military pay exceeds civilian pay, no civilian pay will be made, nor will a refund of the excess be required.

10-5. Disposition of Law Enforcement Leave

Any unused portion of the 22 days LEL is forfeited at the end of the calendar year. There is no provision for carrying over the unused balance to the next leave year.

CHAPTER 11

ABSENCES FOR EXTENDED ACTIVE MILITARY SERVICE

11-1. General

Absences to perform federal active military service in excess of 30 days raise issues and concerns that technicians should carefully consider. This chapter is dedicated to identifying those issues so the technician can plan appropriately when the need for extended active duty arises.

11-2. Appropriate Leave Status

- a. Individuals performing extended active military service may use any appropriate form of leave. Appropriate forms of leave include military leave, LWOP, annual leave, compensatory time, or law enforcement leave. There is no requirement that any form of leave be used before another.
- b. In no circumstances will technicians use excused absence or sick leave to perform active duty. However, any Time Off award that has already been earned may be used.

11-3. Effect on Benefits

- a. As long as the technician remains in a paid leave status there is no effect on federal benefits.
- b. Federal Employees Health Benefits (FEHB).
 - 1) Technicians may elect to terminate FEHB and rely upon active duty health care for the duration of the active duty when placed in a LWOP status.
 - 2) FEHB will automatically be reinstated immediately upon return to technician status unless coverage is waived to remain under transitional Tricare or Tricare Reserve Select.
 - 3) For the first 12 months technicians in LWOP may continue their FEHB by continuing to pay their share of the premium. For the following 6 months technicians may continue their coverage, but must pay 102% of the premium. At the expiration of this 6 months the technician may convert to a non group contract. If the technician performs the active duty in a LWOP status and wishes to maintain FEHB he/she may elect one of the following:
 - a) For the first 365 days of non-pay status technicians may pay their bi-weekly share to their servicing payroll office. In this circumstance the government continues to pay its portion of the FEHB premium. After the expiration of 365 days the technician would be responsible for 102% of the premium for the next 6 months. After this time has elapsed coverage will be terminated with the option to convert to a non-group contract. The technician should contact the HRO, Employee Relations Section to make arrangements if he/she wishes to elect this option.
 - b) The technician may choose to incur a debt of FEHB premium payments for the first 365 days of non-pay status until his/her return to technician status. If this option is selected dual FEHB premiums are withheld upon return

to technician status until the debt is recovered. If the technician departs for active duty without making a selection, this option will be implemented.

- 4) The National Defense Authorization Act (NDAA) for FY 2005 authorizes the payment of the employee share, in addition to the government's share, of the FEHB premium for 24 months if they are enrolled in FEHB and on LWOP or separated for more than 30 days for active duty **"in support of a contingency operation"** (as defined in section 101(a) (13) of title 10, U.S.C. After expiration of the 24 months FEHB will be terminated with the option to convert to a non-group contract.
- c. Federal Employees Group Life Insurance (FEGLI).
- 1) Regardless of leave utilized the technician may elect to terminate FEGLI.
 - 2) FEGLI is maintained in a LWOP status for one year at no cost to the technician. If the technician is LWOP beyond one year, FEGLI coverage terminates with option to convert.
 - 3) FEGLI can be reinstated immediately upon return to technician status with the same coverage previously held.
 - 4) Anyone who loses FEGLI may convert the coverage to a non-group contract.
- d. ReliaStar (formerly NGAUS) Insurance.
- 1) Regardless of the type of leave utilized the technician may elect to terminate ReliaStar insurance.
 - 2) ReliaStar insurance can be reinstated immediately upon return to technician status.
 - 3) Technicians in LWOP status in excess of one pay period are individually responsible for maintaining premium payments. Technicians should contact the HRO, Employee Relations Section to make arrangements if he/she elects this option.
- e. American Equity (formerly Vulcan) Life Insurance.
- 1) Regardless of the type of leave utilized the technician may elect to terminate American Equity insurance.
 - 2) American Equity insurance can be reinstated immediately upon return to technician status.
 - 3) Technicians in LWOP are individually responsible for maintaining premiums. Technicians should contact the HRO, Employee Relations Section to make arrangements if he/she elects this option.
- f. Retirement.
- 1) Technicians in LWOP status may not make contributions to CSRS, FERS, or CSRS offset. However, while in a non-pay status death and disability benefits under the civilian retirement rules would apply as if the technician continued in his/her technician position.
 - 2) Technicians who return to technician status after 1 AUG 90 may contribute to the TSP

an amount equal to the amount they would have contributed were it not for the active duty service. These catch-up payments must be deducted from current technician pay.

- 3) An employee will have sixty days from the date of reemployment to submit a written request to the agency to make up the missed Employee Contributions to TSP.

11-4. *Compensation for Injury*

Technicians who suffer injury or death as a result of Federal Active Duty are not eligible for employee's compensation benefits under the Federal Employees Compensation Act. Federal Active Duty does not constitute performance of official technician duties.

CHAPTER 12

ABSENCES TO PERFORM STATE ACTIVE DUTY

12-1. *Appropriate Type of Leave*

a. Military technicians who are required to perform State Active Duty (SAD) may, at their discretion, elect any of the following types of leave to cover the absence.

- 1) Annual Leave (See Chapter 3)
- 2) Leave Without Pay (See Chapter 4)
- 3) Law Enforcement Leave (See Chapter 10)
- 4) Compensatory Time (See Chapter 13)

b. Under no circumstances will a technician use military leave, sick leave or excused absence (administrative leave) to perform SAD.

c. If the hours available to an employee are insufficient to cover the hours used or requested, charging the excess will be in accordance with the order of precedence.

12-2. *Charging Leave to Cover SAD*

a. Dual compensation rules dictate that any technician who performs SAD be required to take a full day of leave for each day of such service, even if the SAD functions are performed after normal technician working hours. The only exception to this requirement occurs when the technician first learns of the necessity to perform SAD during a workday. In this circumstance, the technician will be required to take leave only for the hours absent from work for the remainder of the day. The technician will be required to take a full day of leave for each subsequent day of SAD.

b. There is no charge of leave when SAD is performed on non-workdays or holidays.

c. State active duty is not Federal service and is not covered under Title 32.

d. State active duty is not subject to the entitlements, benefits, retirement and protection under Uniformed Services Employment and Reemployment Rights Act (USERRA).

e. It is the responsibility of the employee and the first line supervisor to ensure that there is no overlap of technician and SAD time or responsibilities.

12-3. *Compensation for Injury*

Technicians who suffer injury or death as a result of State Active Duty are not eligible for employee's compensation benefits under the Federal Employees Compensation Act. State Active Duty does not constitute performance of official technician duties.

CHAPTER 13

COMPENSATORY TIME

13-1. *Eligible Employees*

All employees (permanent or temporary) regardless of work schedule (full time or part time) are eligible to earn and use compensatory time.

13-2. *Earning Compensatory Time*

- a) Compensatory time off is time off from regularly scheduled work in lieu of compensation for overtime worked. **Supervisors** will insure that workweeks are scheduled so far as practicable to support peak workloads **in order to minimize** the requirement for compensatory time. Except in unusual situations, compensatory time to be worked should be scheduled at least one week in advance.
- b) Accrued only in support of the activity/base/unit missions.
- c) Compensatory time may be earned in fifteen increments.
- d) Compensatory time may be earned for time spent by technicians in a student status outside regular working hours and is considered as hours of work, provided the time spent in training is at the discretion of the training facility, and the purpose of the training is to improve the technician's performance. This would include class preparation time and classes held during weekends as long as such work is directed by the training facility. This includes technician training conducted at the National Guard Professional Education Center.
- e) Work performed on holidays.
 - 1) A technician who works on a holiday falling outside his/her normal workdays may earn compensatory time for all hours worked.
 - 2) A technician who works on a holiday or "in lieu" of holiday falling on a regularly scheduled workday may not earn compensatory time. Compensatory time may not be earned for hours worked on a holiday, "in lieu" of holiday, or any day for which the holiday rate is payable.
 - 3) A technician who works on a holiday is credited with a minimum of two hours of work.
- f. Compensatory time off for religious observances.
 - 1) An employee whose personal religious beliefs require the abstention from work during certain periods of time may elect to engage in overtime work for time lost for meeting those religious requirements.
 - 2) To the extent that such modifications in work schedules do not interfere with the efficient accomplishment of the mission, the employee will be afforded the opportunity to work compensatory overtime and will be granted compensatory time off for religious observances when the employee's personal religious beliefs require that the employee abstain from work during certain periods of the workday or workweek.

- 3) For the purpose stated in paragraph (2) above, the employee may work such compensatory overtime before or after the grant of compensatory time off. A grant of advanced compensatory time off should be repaid by the appropriate amount of compensatory overtime work within a reasonable amount of time. Compensatory overtime shall be credited to an employee on an hour for hour basis or authorized fractions thereof. Appropriate records will be kept of compensatory overtime earned and used.
 - 4) The premium pay provisions for overtime work do not apply to compensatory overtime work performed by an employee for this purpose.
- g. There is no limitation on the amount of compensatory time off for travel an employee may earn.

13-3. *Granting Compensatory Time Off*

- a. Air/Army National Guard. NGB Form 46-14 (Revised 6/17/2005) <http://www.ngbpdc.ngb.army.mil> will be used to request advance approval of compensatory time. The approving official is the first line supervisor. Compensatory time will not be accrued in conjunction with military duty to include additional flying training periods (AFTP). In case of emergency a verbal approval from the approving supervisor will be acceptable if it is followed by NGB Form 46-14.
- b. Compensatory time off will not be granted before it is earned except as stated in paragraph 13-2, f.
- c. Compensatory time must be taken within 26 pay periods from the pay period in which it was earned. There are no provisions for the restoration of forfeited compensatory time. Positive steps will be taken by supervisors and technicians to insure that accrued compensatory time is scheduled for use to avoid forfeiture. Compensatory time should be taken before annual leave, except in those instances where forfeiture of annual leave will occur.
- d. The minimum charge for compensatory time off is one half hour.
- e. A technician in compensatory time off status is considered to be in status equal to annual leave.
- f. If the hours available to an employee are insufficient to cover the hours used or requested, the order of precedence for charging the excess will be in accordance with the order of precedence.

13-4. *Compensatory Time Earned During Travel*

- a. Insofar as practicable, travel during non-duty hours shall not be required of an employee.
- b. Time spent in travel status away from the official duty station shall be considered hours of work only when:
 - 1) An employee is required to travel during regular working hours;
 - 2) An employee is required to drive a vehicle or perform other work while traveling;

- 3) An employee is required to travel as a passenger on a one-day assignment away from the official duty station;
 - 4) An employee is required to travel as a passenger on an overnight assignment away from the official duty station during hours on non-workdays that correspond to the employee's regular working hours;
 - 5) An employee is ordered to return to the duty station to report to work at the beginning of the next work day when such an order necessitates travel that does not meet the criteria listed in subparagraphs (1)-(4) above. Such travel is not considered hours of work when the purpose is to perform military service (IDT, ADSW, ADT, etc.) ; or
 - 6) The travel results from a required event which could not be scheduled or controlled administratively, including travel to such an event and the return to the official duty station.
- c. An employee who travels from home before the regular workday begins and returns home at the end of the workday is engaged in normal "home to work" travel; such travel is not hours of work. When an employee travels directly from home to a temporary duty location outside the limits of his or her official duty station, the time the employee would have spent in normal home to work travel shall be deducted from hours of work as specified in subparagraph 13-4, b. above.
- d. An employee who is offered one mode of transportation, and who is permitted to use an alternative mode of transportation, or an employee who travels at a time other than that selected by the agency, shall be credited with the lesser of:
- 1) The actual travel time which is hours of work under this section; or
 - 2) The estimated travel time which would have been considered hours of work under this section had the employee used the mode of transportation offered by the agency, or traveled at the time selected by the agency.
- e. Travel which is performed within the regularly scheduled duty hours on a holiday or on a day designated as the "in lieu of" holiday is not compensatory time earned. Required travel within regularly scheduled duty hours on a holiday will be compensated by premium pay.
- f. For the purpose of compensatory time off for travel, time in a travel status includes:
- 1) Time spent traveling between the official duty station and a temporary duty station;
 - 2) Time spent traveling between two temporary duty stations; and
 - 3) The "usual waiting time" that precedes or interrupts such travel (e.g., waiting at an airport or train station prior to departure). The employing agency has the sole and exclusive discretion to determine what is creditable as "usual waiting time." An "extended" waiting period – i.e., an unusually long wait during which the employee is free to rest, sleep, or otherwise use the time for his/her own purposes is not considered time in a travel status.
- g. Bona fide meal periods are not considered time in a travel status. For example, if an employee spends an uninterrupted 30 minutes eating a meal at an airport restaurant while waiting for a connecting flight, that time is not creditable as time in a travel status.

- h. Travel outside of regular working hours between an employee's home and a temporary duty station or transportation outside the limits of his/her official duty station is considered creditable travel time.
- i. Travel outside of regular working hours between a worksite and a transportation terminal is creditable travel time, and no commuting time offset applies.
- j. Travel outside of regular working hours to or from a transportation terminal within the limits of the employee's official duty station is considered equivalent to commuting time and is not creditable travel time.

The following are examples of situations involving travel which show what would be creditable as compensatory time off for travel.

- (1) Example #1: Technician is offered commercial air, but elects to travel by privately owned vehicle. It has been determined that traveling by POV is cheaper than travel by air.

Decision - Technician can receive the compensatory time off for travel minus the regular commute time from home **place of duty** (POD) and POD-to-home minus any bona fide meal periods. If the travel is from POD to temporary duty station, then no time will be subtracted from the travel time. Travel must be outside your normal commuting area. As long as your agency approves the travel by POV, you are entitled to compensatory time off.

- (2) Example #2: Suppose interviews for a position were conducted on a Monday which happened to be the CWS day for a technician. Is the technician authorized compensatory time for going to the interview on that non-workday?

Decision - If the agency has worked the technician on a non-workday, they must compensate. All time spent by an employee performing an activity for the benefit of an agency and under the control or direction of the agency is considered "hours of work". Compensatory time would be authorized for the time spent traveling to the interview, conducting the interview and travel back to home station for all hours falling within the normal work hours.

- (3) Example #3: Employee works Mon-Fri, 21 Feb is a holiday, they will receive their normal rate of pay for the holiday. Travel is conducted 0800 - 1000 hours on 21 Feb.

Decision - From FAS and Comp Gen decisions it was understood that they are being reimbursed at their normal rate of pay and premium pay or comp time (unless it was after normal work hours and authorized) would not be approved. Since the employee is traveling during duty hours, they would not get comp time since they are being paid for the travel hours. Furthermore, based on 5 CFR 410.401 and 5 USC 4109, the employee would not be entitled to premium pay during the travel period since this expense is considered part of the training expense and premium pay is not authorized for an employee engaged in training, 5 CFR 410.402(a).

- (4) Example #4: Technician being moved on official permanent change of station (PCS) orders.

Decision - Compensatory time off for travel is only for official travel from your Home/POD to a temporary duty station and return during duty hours. PCS travel entails travel between an Old POD and a New POD. An exception to this would be if you were directed from your Home/Old POD to a temporary duty station and then after the temporary duty to travel on to the New Home/POD, then the two periods of travel would be eligible for compensatory time off for travel if they occurred during non-duty hours and the official PCS travel orders directed the enroute travel to the temporary duty location.

13-5. Disposition of Compensatory Time

1 May 2006

Technicians are not entitled to receive a lump sum payment for accumulated compensatory time upon separation from technician employment. Compensatory time is forfeited upon separation from the agency unless individual is transferring to a different DoD agency (in this case the compensatory would transfer to the gaining agency). Compensatory time can be taken on the last day of work.

CHAPTER 14

EXCUSED ABSENCE

14-1. Eligible Employees

All technicians are eligible for excused absence.

14-2. Administrative Discretion Authority

The authority to grant excused absences to technicians is within the administrative discretion of the Adjutant General. In addition to the more common situations listed below, technicians may also be authorized excused absence to perform acts or services in situations where the Adjutant General has determined that support of the activity would benefit the National Guard. The Adjutant General must approve requests for excused absence in situations that this regulation does not provide specific authority for supervisor approval. Such requests should be forwarded through channels to the Human Resources Officer.

14-3. Adjutant General Approval

The Adjutant General will determine whether the following situations are in the best interest of the National Guard:

- a. Civil Activities. Technicians may be excused for short periods to participate in civil activities the federal government is interested in encouraging. Before granting excused absence, it will be determined that such participation is in the best interest of the Federal government (including the National Guard). These periods will be limited to no more than a combined total of 3 workdays during a calendar year. Official civil activities may include but are not limited to inaugurations, dedication of public buildings and projects, ceremonies for officially invited government visitors, and the convening of legislative bodies.
- b. Conferences or Conventions. A technician may be excused to attend a conference or convention when it is determined that attendance will serve the best interest of the Federal service. Excused absence of this type shall be limited to 5 working days per calendar year. Such absences may be restricted to those situations in which the employee is an official representative of the organization involved or is a contributor on the agenda. Employees shall not be excused to attend conferences or conventions of political parties or partisan political groups or committees. Excused absence will not be granted to attend National Guard Association Conferences or gatherings where the purpose is not clearly in the best interest of the federal government.
- c. Representing Labor Organizations. Refer to the appropriate Labor-Management Contract Agreement for details.
- d. Absences for Permanent Change of Station (PCS) purposes. An employee may be excused for a reasonable time to make personal arrangements and to transfer personal business directly related to a PCS which is in the interest of the US Government, provided that such business or arrangements cannot be transacted outside the employee's regular working hours.
- e. Activations in support of Operation Noble Eagle, Operation Enduring Freedom or any other military operations established under Executive Order 13223, you are entitled to five work days (40 hours) of excused absence without charge to leave. This 40 hours will be used after discharge from active duty and prior to resumption of civilian duties. The intent of the President is to grant 5 days of paid time off to employees returning to civilian service to aid in the readjustment to civilian life.

14-4. Supervisor Approval

Supervisors are authorized to make individual determinations that the following acts or services are job related and not chargeable to leave and to place reasonable limits on the length of such absences from normal assignments within the following guidelines:

- a. **Blood Donation.** Technicians are encouraged to serve as blood donors and will be excused from work without charge to leave only for the time necessary to donate the blood, for recuperation following blood donation, and for necessary travel time to and from the donation site. The maximum excused time will not exceed 4 hours on the date of blood donation. This provision does not cover an employee who gives blood for his or her own use or receives compensation for giving blood.
- b. **Registration and Voting.** Technicians may be excused for a reasonable time to vote or register to vote in federal, state, county, or municipal elections or in referendums on any civic matter in their community provided such absence does not seriously interfere with operations. Generally, employees are excused from duty to permit them to report for work 3 hours after the polls open or to leave work 3 hours before the polls close, whichever results in the lesser amount of time off.
- c. **Tardiness and Brief Absences.** Tardiness and brief absences of less than 1 hour may be excused when reasons are adequate.
- d. **Physical Examinations.** This applies to examinations required as a condition to employment as a technician of the Kentucky National Guard. Technicians will be excused, without charge to leave or loss of pay, for periodic, baseline, or annual physical examinations as required by HRO, Safety, or Occupational Health. Administrative leave is not authorized for physical examinations required for military membership taken during regularly scheduled tour of duty hours for the convenience of the employee. If the technician requires a physical for an AGR appointment, the technician must take annual leave, sick leave or some other form of appropriate leave. Administrative leave would not be authorized.
- e. **Continuation of Pay, Federal Employees' Compensation Act.** When an employee sustains a traumatic job-related injury and files a Worker's Compensation claim, the employing agency is required to continue the employee's pay for the period of disability, not to exceed 45 calendar days. Continuation of pay is chargeable as excused absence.
- f. **Credit Union Participation.** Technicians who serve on Federal Credit Union Boards and committees on a voluntary basis, without compensation, may be granted excused absence to participate in associated meetings. The amount of excused absence for this purpose is limited to 4 hours per month. Technicians who are Credit Union members may be granted excused absence not to exceed one hour to attend the annual Credit Union meeting.
- g. **Bone Marrow or Organ Donor.** A technician is entitled to 7 days of paid leave in a calendar year to serve as a bone-marrow donor and 30 days to serve as an organ donor. Excused absence for these purposes may not exceed 30 days in a calendar year.
- h. **Employee Interviews.** A technician may be excused when competition is for a position within the National Guard or the individual is under notice of separation or change to lower grade for any reason, except for personal cause. All other employment interviews will be charged to annual leave.

- i. Employee Assistance Program (EAP). A technician is entitled to excused absence for the time required to participate in initial counseling and assessment for EAP. If the technician is referred for treatment or assistance the technician must be in another form of appropriate leave.
- j. Health Fairs. Technicians are authorized excused absence for the purpose of attending the annual health fairs during each open season.

14-5. Time Off Awards.

A Time Off Award is an excused absence granted to technicians without charge to leave or loss of pay for recognition purposes.

CHAPTER 15

COURT LEAVE

15-1. Eligible Employees

Court leave for jury duty is granted to both permanent and temporary employees, both full time and part time, except those employed on an intermittent basis.

15-2. Earning Of Court Leave

Court leave is the authorized absence, without charge to leave or loss of pay, of an employee from work status for jury duty, or for attending judicial proceedings in a non-official capacity as a witness on behalf of any party to which the United States, state, or local government is a party. The term "judicial proceeding" means any action, suit, or other proceeding of a judicial nature, but does not include an administrative hearing. (5 USC 6322, 5537, 5515).

15-3. Duration of Court Service

An employee who is under proper summons from a court should be granted leave of absence with pay for the entire period of court service, regardless of the number of hours per day or days per week he/she serves during the period.

15-4. Interim Excuse from Court Service

Supervisors may require an employee entitled to court leave to return to duty or be charged with annual leave if he is excused from court service for one day or even a substantial part of a day. The employee may not, however, be required to return to duty if it would create a hardship.

15-5. Jury Fees

If jury duty is during the employee's normal duty day, any fees collected must be turned in, in accordance with the provisions of 5 USC 5515, 5537, 5751. If the jury duty is performed during non-workdays, holidays, or in a leave without pay (LWOP) status, fees and allowances may be retained by the employee. The employee must submit fees received for jury or witness service by money order or personal check to the employing agency. A certificate of attendance from the clerk must also be submitted. The employee permitted to keep travel and per diem allowance for each day's attendance in court. Failure to forward fees collected will result in a charge to leave.

15-6. Witness Status

a. Witness in official capacity. When a technician is summoned or assigned by his agency to testify in his official capacity or to produce official records, he is in an official duty status and entitled to his regular compensation without regard to any entitlement to court leave.

b. Witness in nonofficial capacity.

- 1) If the United States, state, or local government is a party in the judicial proceedings, court leave is appropriate regardless if the employee testifies on behalf of the government or a private party.
- 2) When the United States, state, or local government is not a party in the judicial proceedings, annual leave or leave without pay is appropriate.

15-7. Evidence of Court Service

A copy of court orders, subpoenas, summons, or official request to appear in court will be presented to the supervisor as far in advance of the court day as possible. Upon return to duty, the technician will submit written evidence from the court reflecting dates (and hours if possible) of his attendance in court. Appropriate notations will be made on the time and attendance report for the days/hours of court leave granted to the technician while he was absent from his regularly scheduled duties.

15-8. Court Leave Guide

A chart indicating the proper time and attendance recording for employee absences under varying conditions with court or court-related services, together with rights of employees to fees for services rendered and to payment for expenses of travel is provided in Figure 15-1 of this regulation. This must be forwarded by the supervisor to the payroll office, with certificate of performance, after completion of jury duty.

	Type of Absence	Fees	Government Travel Expenses
I. JURY SERVICE	Court Leave Official Duty Annual leave or LWOP	No Yes agency Retain Turn into	No Yes*
A. U.S. or D.C. court			
B. State or local court			
II. WITNESS SERVICE			
A. On behalf of U.S. or D.C. Government:			
B. On behalf of State or local government:			
1. Official capacity			
2. Non-official capacity			
C. On behalf of a private party:			
1. Official capacity			
2. Non-official capacity:			
a. When party is U.S., D.C. or State or local government			
b. When party is not U.S., D.C., State or local government			

*Offset to the extent paid by the court, authority or party which caused the employee to be summoned

Figure 15-1 Employee Absences for Court Related Service

CHAPTER 16

ABSENCE WITHOUT LEAVE

16-1. *Charging Absence Without Leave*

a. Absence without leave (AWOL) is defined as an absence from duty (i.e., tardiness or leaving the work area) which has not been authorized or approved by the proper official in accordance with this regulation. Pay is denied for the entire period of absence. When it is determined that the absence is excusable the charge of AWOL may be changed. The absence may be charged to any appropriate form of leave. The supervisor must determine whether or not the circumstances warrant a change to approved leave.

b. When an employee is charged with AWOL the agency may not require him to perform work for any part of the period for which pay will not be received.

c. Incidents of unauthorized absence may be made a basis for disciplinary action in accordance with TPR 752.

16-2. *Minimum Charge*

The minimum charge of AWOL is fifteen minutes and additional charges of AWOL will be in multiples of one hour.

CHAPTER 17

ADMINISTRATIVE CLOSINGS

17-1. Eligible Employees

All technicians are eligible for excused absence during closings except individuals who have been identified as essential personnel. Essential personnel will be identified by the Adjutant General, Air Commander, Directors, or Brigade Administrative Officers based on specific mission requirements.

17-2. Authorization for Administrative Closing

a. The closing of a National Guard activity for brief periods is within the administrative authority of the Adjutant General. Personnel attached to the MATES will operate under the guidance of the Commanding General at Fort Knox and will be informed by communication from the local area media. This authority will be used sparingly and for short periods of time and may also be delegated. The most common use of this authority has been in response to extreme weather, however, other circumstances such as lack of power/water in building, no heat/ac/fumes, or bomb threat would also justify closures.

b. This authority may not be used in situations of extensive duration or for periods that would ordinarily be covered by the scheduling of leave, furlough, or the assignment of other work.

17-3. Extreme Weather

a. Extreme weather may cause closings or adjustments of arrival/dismissal times. In such circumstances the federal work force will follow the local area state government work schedule for extreme weather as communicated by local area media. This policy excludes essential personnel.

b. Extreme weather does not precipitate administrative closing.

- 1) Employees may, at their discretion, use any form of appropriate leave (Annual, Comp, or LWOP) when they:
 - a) Are prevented from arriving to work on time.
 - b) Need to leave work early to avoid hazardous conditions.
 - c) Could not return home if they report to work.
- 2) Supervisors will work closely with their employees to allow them to make up time they missed if the employee so desires. The supervisor will re-schedule the amount of time missed and will grant compensatory time for the time made up. This should be accomplished during the same pay period if possible.

CHAPTER 18

HOLIDAYS

18-1. Eligible Employees

All technicians are eligible to receive basic pay for holidays. All technicians who are required to work on holidays are entitled to holiday premium pay.

18-2. Federal Holidays

The following are holidays for the purpose of pay National Guard technicians:

New Years Day - First day of January
Martin Luther King's Birthday - Third Monday in January
President's Day - Third Monday of February
Memorial Day - Last Monday of May
Independence Day - Fourth day of July
Labor Day - First Monday of September
Columbus Day - Second Monday of October
Veterans Day - Eleventh day of November
Thanksgiving Day - Fourth Thursday of November
Christmas Day - Twenty-fifth day of December

Any other day designated as a holiday by Federal Statute or Executive Order.

18-3. Determining Holidays

When a holiday falls on the employee's first non-workday (i.e. Saturday), the preceding workday is designated as the "in lieu of" holiday. When the holiday falls on the second (i.e. Sunday) or third (i.e. Monday) non-workday, the next workday is designated as the "in lieu of" holiday.

18-4. Holiday Pay

a. Technicians receive their regular straight-time pay for holidays that they are not required to work. When the activity is closed on a Friday or Monday because of a holiday falling on Saturday or Sunday, such closed days are not considered holidays in determining holiday benefits for part-time technicians, but these technicians may be excused without charge to leave for such days.

b. If a technician works on a holiday falling on one of his/her regular work days or on a holiday falling on the day designated as his/her "in lieu of holiday" he/she will be paid at twice the regular rate for not more than the number of hours in the employee's regularly scheduled tour of duty. If the technician is required to work more than the number of hours in his/her regularly scheduled tour of duty, that technician is authorized compensatory time for all hours worked in addition to his/her regularly scheduled tour of duty.

c. If an employee interviews, is offered the position and verbally accepts the position before the holiday, he/she would be entitled to holiday pay. (Newly-appointed technicians).

d. Technicians who are normally eligible for basic pay for a holiday when no work is required will not be paid when:

- 1) The technician fails to report for duty after being directly notified that his services would be required on the holiday and an acceptable reason is not provided for the absence.
- 2) The holiday falls within a period of non-pay status (a holiday that falls on the first or last day of an authorized period of LWOP is within the non-pay period and payment is not authorized - if the date of the holiday is not included in the period of non-pay status, payment for the holiday is authorized).
- 3) The technician was AWOL on the regularly scheduled workday immediately preceding the holiday.

e. Travel which is performed within the regularly scheduled administrative workweek on a holiday or on a day designated as the "in lieu of" holiday is not entitled to holiday premium pay. Based on 5 CFR 410.401 and 5 USC 4109, the technician would not be entitled to premium pay during the travel period since this expense is considered part of the training expense and premium pay is not authorized for an employee engaged in training, 5 CFR 410.402(a).

f. Time spent traveling away from the official duty station is considered hours of employment if the time spent is within the days and hours of an employee's regularly scheduled administrative workweek. This does not apply to travel on a holiday for holiday premium pay purposes because an employee's regularly scheduled administrative workweek includes only periods of time in which an employee is regularly scheduled to work. Travel time during holiday hours (whether driving or riding) is not work time and, therefore, does not fall within an employee's regularly scheduled administrative workweek. Compensatory time for travel would be appropriate in this instance and **only** for the time after normal work hours and as authorized.

g. Time spent attending training (not traveling) on a holiday are not entitled to premium pay unless an exception was requested from the Office of Personnel Management.

h. Army. All requests for holiday premium pay will be submitted by memorandum from the supervisor through channels to the Human Resources Officer prior to performance of such duty.

i. Air. All requests for holiday premium pay will be submitted using AF Form 428 from the supervisor through channels to the Human Resources Officer prior to performance of such duty.

CHAPTER 19

ENFORCED LEAVE

19-1. *Eligible Employees*

All employees are subject to the provisions of enforced leave.

19-2. *Imposing Enforced Leave*

- a. Management has the right to require a technician to leave the worksite when:
 - 1) The technician is not ready, willing, and able to perform assigned duties; or
 - 2) The technician's continued presence is highly undesirable because the employee presents an immediate threat to himself, others, or government property.
- b. A technician must never be instructed to leave the worksite if the individual's ability to drive is questionable. In such cases the supervisor must arrange for a responsible party to transport the technician.
- c. The following examples are given to illustrate management's right to enforce leave.
 - 1) A technician reports to work without required safety equipment (i.e. safety boots). The technician is not ready, willing, and able to work. The supervisor may place the technician on annual leave, compensatory time, or LWOP until the employee reports back to work with the required safety equipment.
 - 2) A technician appears for work in what the supervisor reasonably determines to be an unsafe state due to illness, alcohol abuse, medication, controlled substance abuse, or other causes. Attempts to have the technician explain the condition are unsuccessful. The supervisor determines that the technician's continued presence creates an immediate threat to government property, the technician, and/or fellow co-workers. The supervisor gives the technician an option of being taken home or to a family physician or having a family member called. If the technician refuses to choose or is unable to choose, the supervisor selects the best alternative. When the technician reports to work the next day, the supervisor tells the employee that unless there is a reasonable explanation, the leave status for the non-duty time will be LWOP. If there is a reasonable explanation (for example, reaction to new medication that can be supported by a doctor's statement), the supervisor can give the technician the option of using annual leave, compensatory time off, or sick leave. The technician is then advised that no further action will be taken or that the incident is still being appraised and disciplinary or adverse action could result.
 - 3) A technician is in a rage, disrupting the entire shop (throwing objects and cursing). Attempts to calm the technician are rebuked. The supervisor determines the technician's continued presence would be highly undesirable. The technician is told he/she is being placed in LWOP status and to immediately leave the worksite and return when calmed down. The technician regains composure and reports to work the next day. The supervisor tells the technician that unless there is reasonable explanation, the LWOP status from the previous day will not be changed. If the explanation alters the supervisors position on the LWOP (for example, technician first learned of a family member's serious illness), the technician can be offered the option of taking appropriate leave. The technician is advised that no further action will be taken

or that the incident is still being appraised and disciplinary or adverse action could result.

- d. If the hours available to an employee are insufficient to cover the hours used or requested, the order of precedence for charging the excess will be in accordance with the order of precedence.

19-3. Termination Of Enforced Leave.

Enforced leave must be terminated as soon as management determines that the technician is ready, willing, and able to perform assigned duties or that the immediate emergency is resolved.

Authenticated by:

A handwritten signature in black ink, appearing to read 'R. Hayes', is written over the printed name.

RODNEY G. HAYES
COL, FA, KYARNG
Chief Information Officer

APPENDIX A

Leave Peroration for Fractional Pay Periods

Biweekly Pay Period	Hourly Accrual Rate		
Workdays	Category 4*	Category 6	Category 8
1	1	1	1
2	1	1	2
3	1	2	2
4	2	2	3
5	2	3	4
6	2	4	5
7	3	4	6
8	3	5	6
9	3	5	7
10	4	6	8
*This column may be applied for sick leave purposes.			

APPENDIX B

TYPE HOUR CODES

This Appendix is a compilation of time and attendance codes for use in the Kentucky National Guard. It appears in five subdivisions: Leave Hours - Paid, Leave Hours - Non-paid, Compensatory Hours, Representational Hours and Pay Type Hours.

CODE DEFINITIONS

1. LEAVE HOURS PAID

LA - Annual Leave. This code can also be used to advance annual leave. If the organization has blanket leave authorized, A "3" is set in the blanket leave advance indicator of the organization record or if an employee has a preauthorized advanced leave amount, a "2" is set in the blanket leave advance indicator. This code when used with an injury number will be counted as one (1) day of COP.

NOTE: For employees on donated leave for "family", this code must be input and the system will convert to donated.

LB - Advanced Annual Leave. This code is used if an activity has approved advanced annual leave coming in on the timecard. A "1" is set in the blanket leave advance indicator of the organization record.

LC - Court leave.

LF - Forced Annual Leave. The usage of this code is the same as for regular annual leave (code LA). This code gives management the option of distinguishing between annual leave directed to be taken (enforced leave) and annual leave used at the request of the employee.

LG - Advanced Sick Leave.

LH - Holiday Leave.

LL - Law Enforcement Leave.

LM - Military Leave.

LN - Administrative Leave.

LP - Restored Annual Leave Account #3. If the employee's annual leave balance is insufficient to cover reported annual leave and restored annual leave accounts #1 and #2 are insufficient, the system will default to this code. At the end of the leave year any remaining balance will be moved to leave code LQ.

LQ - Restored Annual Leave Account #2. If the employee's annual leave balance is insufficient to cover reported annual leave and restored annual leave account #1 is insufficient, the system will default to this code. At the end of the leave year any remaining balance will be moved to leave code LR.

LR - Restored Annual Leave Account #1. This is the oldest account in the employee's leave record and is the account that will be defaulted to when the annual leave balance is insufficient to cover annual leave reported via time and attendance. At the end of the leave year of forfeiture, any balance remaining in this account will be forfeited and cannot be restored again.

LS - Sick Leave. This code can also be used to advance sick leave if employee has preauthorized amount set in master leave history record and no sick leave is available. This code when used with an injury number will be counted as one (1) day of COP.

NOTE: For employees on donated leave for “self” this code must be input and the system will convert to donated.

LT - Absence because of a traumatic injury covered under the provisions of continuation of pay (COP). Requires injury number (MMDD). Do not use on date of injury. (see LU)

LU - Date of Injury. Hours of non-work due to traumatic injury, chargeable to administrative leave. Do not use after date of injury. (See LT) do not use injury number. May be reported without hours if applicable.

LV - Excused absence on a regularly scheduled workday such as excused absence due to tardiness. Employee may be excused for tardiness under Title 5, but the period excused is not includable under FLSA.

LX - Periods of non-work which are payable under Title 5 such as date of death, or sabbatical. If employee status code equals “V” for sabbatical leave, T & A will generate this code. If generated, this code may not be overridden.

LY - Time Off Award (leave) given in lieu of cash award (up to 80 hours per year).

2. FAMILY LEAVE CODES:

DA - Birth of son/daughter or care of newborn

DB - Adoption or foster care

DC - Care for spouse, son, daughter, or parent with a serious health condition

DD - Serious health condition of employee

Family leave codes will be reported with the applicable leave codes (LS, LA, LB, LG, KA, LP, LQ, LW, CT, and CN). These codes, DA, DB, DC, DD, will be reported in the ENV/HAZ/OTH field as an exception through timecard format 1 and Thru SDA.

3. LEAVE HOURS - NONPAID

KA - Leave Without Pay. If the employee status code equals “L” for extended LWOP, T&A will generate this code. If generated, this code may not be overridden.

KB - Suspension. If the employee status code equals “B” for suspension, T&A will generate this code. If generated, this may not be overridden.

KC - AWOL

KD - OWCP. Employee is in a non-pay status due to receiving compensation from the office of Worker’s Compensation programs. If employee status code equals “W” for extended OWCP, T&A will generate this code. If generated, this code may not be overridden. Leave is accrued/prorated in accordance with the FPM. These non-pay hours are not included in the non-pay hours used for leave accrual reduction or counted in the hours of non-pay used for within grade increases.

KE - Furlough - Lack of Work. If employee status code equals “F” for furlough. T&A will generate this code. If generated, this code may not be overridden.

KG - Military Furlough. If employee status code equals “M” for military furlough, T&A will generate this code. If generated, this code may not be overridden. Leave is accrued/prorated in accordance with the FPM. These non-pay hours are not included in the non-pay hours used for leave accrual reduction or counted in hours of non-pay used for within grade increases. (Not State Active Duty – Sad)

4. COMPENSATORY HOURS

CC - Compensatory time callback. Input at the actual time worked. If less than the 2 hour minimum, the system will calculate the difference between actual time and 2 hours for pay purposes as applicable and will record 2 hours to the compensatory time balance.

CE - Compensatory time earned.

CT - Compensatory time taken.

CA - Religious compensatory time taken. This code will reduce any available earned religious time balance. If no balance of earned hours is available, up to 40 hours will be advanced.

CR - Religious Compensatory time earned.

5. REPRESENTATIONAL HOURS

BA - Negotiations

BD - Labor/management relationship

BK - Grievance and appeals

Official time allotted employees for union and other representational functions and will be reported in the (ENV/HZ/OTH) field as an exception through timecard format 1 and the SDA. These hours will be returned to personnel via the reverse interface.

6. PAY TYPE HOURS

RG - Straight time pay for graded employees regardless of scheduled hours worked.

RF - Straight time pay for un graded employees who work first shift.

RS - Straight time plus 7.5% shift pay for un graded employees who work second shift.

RT - Straight time plus 10% shift pay for un graded employees who work third shift.

RX - Regular - Emergency time. May be input for employee when situation precludes receipt of actual T&A. May be input on the local holiday table for all of the payroll office, an activity, or an organization.

HC - Holiday work callback during regularly scheduled work hours. The actual time worked must be entered to ensure correct calculation of pay. The system will determine the difference between the actual times worked on callback and the two hour minimum entitlement under Title 5 and will pay accordingly. The system will default to the shift code assigned unless a temporary shift override is input.

NOTE - If an employee is scheduled to work on a Sunday, which is also the employee's holiday; the holiday pay type code (H) is input in lieu of the Sunday pay type code(s). The system will pay both the Sunday and the holiday.

HG - Holiday pay for graded employees who work on the holiday.

HF - Holiday pay for un graded first shift employees who work on the holiday.

HS - Holiday pay plus shift differential for un graded second shift employees who work on the holiday.

HT - Holiday pay plus shift differential for un graded third shift employees who work on the holiday.

APPENDIX C

BLANK FORMS

This Appendix includes the links to appropriate forms required for leave administration as referenced in this regulation. These forms may be accessed as indicated below.

1. OPM Form 71: Request for Leave or Approved Absence.
www.opm.gov/Forms/pdf/Fill/opm71.pdf.
2. OPM Form 630: Leave recipient application under the Voluntary Leave Transfer Program. www.opm.gov/oca/leave/HTML/formindx.htm.
3. OPM Form 630-A: Request to donate annual leave to leave recipient (within agency) under the leave transfer program. www.opm.gov/oca/leave/HTML/formindx.htm.
4. OPM Form 630-B: Request to donate annual leave to leave recipient (outside agency) under the leave transfer program. www.opm.gov/oca/leave/HTML/formindx.htm.
5. NGB Form 46-14: Request, authorization, and report of compensatory time.
www.ngbpdc.ngb.army.mil
6. Certification of Health Care Provider Form (Family and Medical Leave Act of 1993).
www.opm.gov/oca/leave/HTML/formindx.htm.